

**BEFORE THE SUPREME COURT OF THE STATE OF MISSISSIPPI**

**MISSISSIPPI COMMISSION ON  
JUDICIAL PERFORMANCE**

**PETITIONER/APPELLANT**

**vs.**

**No. 2015-JP-996-SCT**

**DAVID SHOEMAKE**

**RESPONDENT/APPELLEE**

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**APPELLEE'S RECORD EXCERPTS**

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Of Counsel:

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Gore, Kilpatrick & Dambrino, PLLC  
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*Counsel for Respondent*

## **INDEX TO RECORD EXCERPTS**

1. Order Transferring Cause for Limited Purpose signed July 21, 2011 filed July 22, 2011.
2. Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward signed July 2, 2011 filed August 2, 2011.
3. Order Regarding Construction Management Agreement signed July 28, 2011 filed August 2, 2011.
4. Commission's Formal Complaint Against Judge David Shoemake.
5. Order Authorizing Transfer of Funds Into Conservatorship Account for the Construction of Home signed August 2, 2011 filed August 9, 2011.
6. August 2, 2011, 10:20 a.m. Email from Keely McNulty, Esq., to Judge David Shoemake with Attached Order Authorizing Transfer of Funds Into Conservatorship Account for the Construction of the Home.
7. August 2, 2011, 3:20 p.m. Email From Keely McNulty, Esq., Requesting Judge Shoemake Disregard Order Due to Changes and Order Would be Redrafted and Resent.
8. August 2, 2011, 3:59 p.m. Email from Keely McNulty, Esq., Attaching a Revised Order.
9. Order Authorizing Transfer of Funds Into Conservatorship Account for the Construction of the Home.
10. August 2, 2011, 4:26 p.m. Email from Judge Shoemake to Keely McNulty Questioning the Signing of This Order and When Judge Walker was to take case back.
11. August 2, 2011, 4:31 p.m. Email from Keely McNulty, Esq., to Judge Shoemake Responding to Inquiry that Judge Walker Wanted Judge Shoemake to Handle All Orders related to Bids/Management Contracts, Etc. And that Court Administrator for Judge Walker was Aware of Order.
12. August 11, 2011, 4:17 p.m. Email from Kim Brister, Court Administrator for Judge Walker Responding to Keely McNulty Email of 3:59 p.m.
13. August 2, 2011, 4:33 p.m. email from Keely McNulty, Esq., to Judge Shoemake stating she had received the signed Order.
14. Order Approving Petition for Approval of Additional Construction Funds and to Authorize Funds and Withdrawl of Funds to Trust Account for completion of construction of home signed January 25, 2012 filed February 2, 2012.

15. Petition for Approval of Additional Construction Funds and to Authorize Transfer and Withdrawal of Funds filed January 24, 2012.
16. Construction Management Agreement
17. January 4 and 5, 2012 email thread from Keely McNulty, Esq. to Judge Joe Dale Walker and Kim Brister, Court Administrator, with attached Petition for Approval of Correction of Construction Fund Amount and to Authorize Transfer and Withdrawal of Funds, Order for this Petition, and Order Appointing Guardian Ad Litem, and received at Commission offices October 23, 2013.
18. Order Approving Petition for Correct of Construction Fund Amount signed March 26, 2012 with handwritten notation "Filed 3/26/2012 by JDW [Joe Dale Walker]" at top of first page.
19. Show Cause Petition of McNulty requesting Court Hold Marilyn Newsome, Conservatrix in Contempt of Court for failure to comply with terms of Decree Appointing Conservator and Oath filed January 24, 2012.
20. Motion to Withdraw as Counsel and as Guardian Ad Litem of Keely McNulty, Esq., signed April 10, 2012 filed April 17, 2012.
21. Notice and Motion to Withdraw as Counsel of Keely McNulty, Esq., signed March 16, 2012 filed March 20, 2012.
22. Amended Motion to Withdraw of Keely McNulty, Esq. dated April 23, 2012 filed April 24, 2012.
23. Entry of Appearance of Counsel of Terrell Stubbs, Esq., filed March 14, 2012 with Certificate of Service to McNulty, Richard Courtney, John Cocke, Esq, and Judge Joe Dale Walker.
24. Order Allowing Counsel to Withdraw filed May 14, 2012.
25. Complaint filed by Marilyn Newsome with the help of Terrell Stubbs, Esq., with the Mississippi Commission on Judicial Performance Received by the Commission on May 3, 2013.
26. August 1, 2011, 2:09 p.m. email from Keely McNulty, Esq., to Judge Shoemake presented to Judge Shoemake on October 31, 2013, the one production by Ballard before SCH.
27. Judge Shoemake's Court Calenders for July 2011, August 2011, and January 2012 Court Terms.
28. Petition for Approval of Contractor with attached bids of several contractors filed April 24, 2012.

29. Petition for Approval of Correction of Construction Fund Account and to Authorize Transfer and Withdrawal of Funds by Keely McNulty, Esq., filed April 24, 2012.
30. November 13, 2013 Facsimile from Stubbs Law Firm to Darlene Ballard, Executive Director of Mississippi Commission on Judicial Performance with examples of Judge Shoemake's signature and Donna Walker's, Court Administrator, signature.
31. Petition for Authority to Pay Caregiver Parent and for Other Relief filed September 15, 2011 with Simpson County Chancery Court in Cause No. 2010-0146.
32. Petition for Transfer Settlement Assets to Special Needs Trust filed February 16, 2012 with Simpson County Chancery Court in Cause No. 2010-0146.
33. Billing Sheet and Records of Keely McNulty, Esq.
34. Deposition of Marilyn Newsome - January 15, 2014.
35. Rules of the Mississippi Commission on Judicial Performance.
36. Minutes of Commission for  
June 14, 2013  
October 11, 2013  
December 13, 2013
37. Commission Policies and Procedures Excerpts
38. McNulty email with Petition requesting entry of Order (RE 3) and Approval of Construction Management Agreement
39. July 22, 2011 fax - Shoemake offer of help to McNulty.  
  
Certificate of Service

## **RECORD EXCERPT 1**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MS

FILED

IN THE MATTER OF THE  
CONSERVATORSHIP OF  
VICTORIA DENISE NEWSOME

JUL 22 2011

CAUSE NO.: 2010-0146

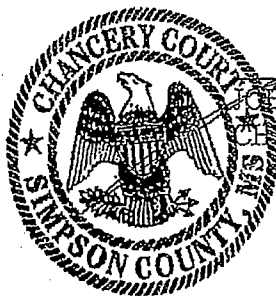
TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

ORDER TRANSFERRING CAUSE FOR LIMITED PURPOSE

THIS MATTER came before this Court this day and the Court having heard the brief matters therein from counsel and having considered same does hereby order as follows:

IT IS ORDERED, ADJUDGED AND DECREED, that Honorable Joe Dale Walker, Chancellor of the Thirteenth Chancery Court District, Post 2, of the State of Mississippi, does hereby transfer the above styled and numbered cause, to Honorable David Shoemake, Chancellor of the Thirteenth Chancery Court District, Post 1 of the State of Mississippi, for the limited purpose of approving and acceptance of the bid(s) for the construction of the home for the ward. Upon approval and acceptance, the cause is to be transferred back to Honorable Joe Dale Walker, Post 2.

SO ORDERED, this the 21st day of July, 20 11.



*[Signature]*  
JOE DALE WALKER, POST 2  
CHANCELLOR

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## **RECORD EXCERPT 2**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

AUG 02 2011

CAUSE NO.: 2010-0146-P2

TOMMY J. HANEY  
SIMPSON COUNTY CHANCERY CLERK

**ORDER CONCERNING APPROVAL AND ACCEPTANCE  
OF BIDS FOR THE CONSTRUCTION OF A RESIDENCE FOR THE WARD**

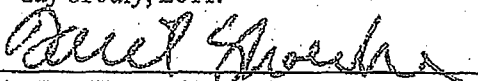
THIS DAY this cause came before the Court on Petition for Approval of Contractor submitted by Marilyn Denise Newsome, Conservator of Victoria Denise Newsome, and the exhibits attached thereto and the Court, after having examining the Order Transferring Cause for the Limited Purpose of approving and acceptance of bids for the construction of the home for the ward dated July 21, 2011, and after having considered all of the same and the argument of counsel finds and adjudicates as follows:

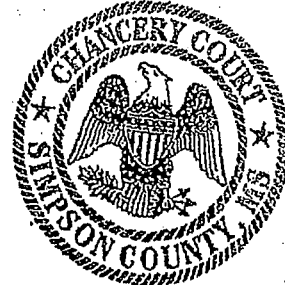
1. That per the Order entered by this Court, dated June 8, 2011, a minimum of four (4) bids were to be obtained to build the permanent home for Victoria Newsome. Five (5) bids were obtained and their bids are attached hereto as Exhibits "A"-"E".
2. That per Order Transferring Cause for Limited Purpose dated July 21, 2011, this cause was transferred to David Shoemake, Post One Chancellor for approval and acceptance of the bids for the construction of the residence for the ward.
3. That C. T. Construction submitted the lowest bid in the amount of \$273,075.14 as shown on Exhibit "A" attached hereto. Furthermore, this company has a good reputation, satisfied customers, and high-quality workmanlike skills which would be in the best interest of Petitioner.
4. The Court finds that the bids of C. T. Construction in the amount of \$273,075.14 should be accepted and the Court therefore authorizes Marilyn Denise Newsome, Conservatrix, to accept the bid of C. T. Construction in the amount of \$273,075.14 and this cause is therefore



transferred back to the Hon. Joe Dale Walker, Post Two Chancellor, for further proceedings.

SO ORDERED AND ADJUDGED this the 22<sup>nd</sup> day of July, 2011.

  
DAVID SHOEMAKE, CHANCELLOR  
POST ONE



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## **RECORD EXCERPT 3**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

FILED

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

AUG 02 2011

CAUSE NO: 2010-0146 P1

TOMMY JOE HEAVLY  
SIMPSON COUNTY CHANCERY CLERK

ORDER

THIS DAY this cause came before this Court, ex parte, for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause For Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. The Court approves the Construction Management Agreement of C.T. Construction, attached hereto as Exhibit "B" and authorizes Marilyn Denise Newsome, Conservatrix, to execute said Agreement and the Court authorizes payment unto C.T. Construction according to said Agreement, and as set forth below.
4. Per the Construction Management Agreement, C.T. Construction will plan and supervise the construction of the house for Ward in a flat fee of \$30,000.00 to be paid in four (4) draws of

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\$8,000.00. The first draw due upon initiation of the project, \$8,000.00 due when framing is complete, \$8,000.00 due upon completion of trim, and \$6,000.00 due upon final completion.

The final payment of \$6,000.00 shall not be paid until final completion of the project and inspection by the Conservatrix and/or attorney of record, Keely R. McNulty, and final Order of the Court.

5. The Court orders that any and all invoices provided by contractors and subcontractors, as reflected in the approved itemized proposal attached hereto as Exhibit "A", be paid as they become due and payable, upon completion of various stages of work and upon inspection of work by C.T. Construction and/or attorney of record, Keely R. McNulty.

SO ORDERED, ADJUDGED AND DECREED this the 28<sup>th</sup> day of July, 2011.

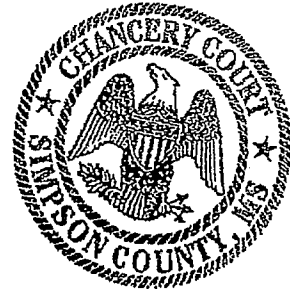
*David Shomura*

CHANCELLOR

Prepared and Presented by:

*Keely R. McNulty*

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314



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## **RECORD EXCERPT 4**

**BEFORE THE MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE**

**INQUIRY CONCERNING A JUDGE**

**NO. 2013-083**

**FORMAL COMPLAINT AGAINST JUDGE DAVID SHOEMAKE**

COMES NOW the undersigned, Mississippi Commission on Judicial Performance, ("Commission") and herewith files its Formal Complaint against David Shoemake, Chancellor for the 13<sup>th</sup> Chancery District, State of Mississippi, hereafter referred to as the "Respondent", to wit:

**PARTIES**

1. The Commission is a body created pursuant to Section 177A, Mississippi Constitution of 1890, as amended.
2. The Respondent is now and was at all times hereinafter mentioned, a Chancery Court Judge, 13<sup>th</sup> Chancery District, State of Mississippi. The Respondent may be served with this Formal Complaint by certified mail or personally served as provided in Rule 6C of the Rules of the Mississippi Commission on Judicial Performance.

**JURISDICTION**

3. The Commission has jurisdiction over the Respondent under the authority granted by Section 177A of the Mississippi Constitution of 1890, as amended, applicable statutes, and the Rules of the Commission.

**ALLEGATIONS OF JUDICIAL MISCONDUCT**

4. The Commission, upon information and belief, charges the Respondent in

the following numbered paragraphs with judicial misconduct constituting a violation of Section 177A, Mississippi Constitution of 1890, as amended.

5. On or about July 14, 2010, Respondent's fellow Chancellor, Joe Dale Walker, signed a decree appointing Marilyn Denise Newsome as conservator of her daughter, Victoria Denise Newsome in *In the Matter of the Conservatorship of Victoria Denise Newsome*, Cause No. 2010-0146, in the Chancery Court of Simpson County, Mississippi. Victoria Denise Newsome later received a settlement in a medical negligence claim in the approximate sum of \$3,000,000.00, being represented in that case by the law firm of Merkel & Cocke.

6. Subsequently, Walker ordered that a house be constructed for the use and benefit of the ward, Victoria Denise Newsome, and that a minimum of 4 bids should be obtained by the attorney for the conservatorship, Keely R. McNulty, Esq. The lowest bid submitted was from C.T. Construction, a company owned by Walker's nephew, Chad Teater. Walker spoke with Respondent about the necessity of his recusal and requested that Respondent sign the order awarding the bid to C.T. Construction. Walker, on July 22, 2011, entered an Order Transferring Cause for Limited Purpose wherein he transferred the case to the Respondent for the limited purpose of approving and accepting bids for the construction of the home for the ward. The July 22, 2011 order also directed that the case be transferred back to Walker after the awarding of the bid. That same date, Respondent executed an order authorizing the conservator to accept the lowest bid of C.T.

Construction for construction of a home in the sum of \$273,075.14 and transferred the case back to Walker. The conservator did not file a petition requesting the relief, nor was she given any notice of the filing.

7. Thereafter, on August 9, 2011, after he had transferred the case back to Walker, Respondent signed an ex parte order authorizing and ordering the law firm of Merkel & Cocke to transfer the sum of \$253,395.14 from their escrow account to the conservatorship account. The conservator did not file a petition requesting the relief, nor was she given any notice of the filing.

8. On January 24, 2012, McNulty filed a petition purportedly on behalf of the conservator, requesting that \$23,000.00 be paid to C.T. Construction for reimbursement for tools and materials stolen from the construction site. The conservator, Marilyn Denise Newsome, did not sign the petition or have notice that a petition had been filed by McNulty. Respondent, on February 2, 2012, after he had transferred the case back to Walker, signed an order wherein \$23,000.00 was awarded to C.T. Construction for tools and materials stolen. There was no hearing held and no evidence presented that the tools and materials were stolen because of any wrongdoing on the part of the conservator or ward.

9. On March 26, 2012, Keely R. McNulty filed a Petition for Approval of Correction of Construction Fund Amount and To Authorize Transfer and Withdrawal of Funds alleging that the original bid of \$273,075.14 was wrong due to a typographical



error and that the actual bid was \$296,575.15. This was done at a time when Walker had relieved McNulty from further representation of the Newsomes and after the conservator's new counsel, Terrell Stubbs, had entered an appearance in the case. In the Petition McNulty asked that an additional \$23,500.00 be transferred to conservatorship account. A March 26, 2012 order *nunc pro tunc* to August 2, 2011 was signed by Respondent ex parte with no notice of the filing being given to Stubbs or his client, the conservator.

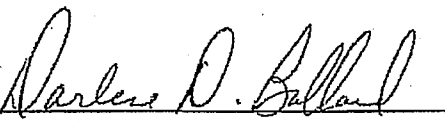
10. By engaging in the aforementioned conduct the Respondent violated Canons 1, 2A, 2B, 3B(2), 3B(7), 3B(8), and 3C(1) of the Code of Judicial Conduct of Mississippi Judges, a copy of which is included as "Exhibit A" of this Formal Complaint.

11. The Respondent's conduct as set forth herein above violates Section 177A of the Mississippi Constitution of 1890, as amended, as said conduct constitutes willful misconduct in office and conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

WHEREFORE, PREMISES CONSIDERED, Respondent is advised pursuant to Section 177A, Mississippi Constitution of 1890, as amended, applicable statutes and the Rules of the Commission, that an answer to this Formal Complaint may be filed by the Respondent with the Commission within thirty (30) days after service upon the Respondent of this Formal Complaint at the Commission office at Suite 104, 660 North Street, Jackson, Mississippi 39202 and that the Commission shall thereafter set a time and

place of hearing of this Formal Complaint and shall give notice thereto to Respondent. Respondent is hereby advised of his right to counsel and to file an answer in his behalf through counsel, and Respondent is further advised that all the proceedings in connection with the complaint shall be in accordance with Section 177A of the Mississippi Constitution of 1890, as amended, applicable statutes, and the said Rules of this Commission.

Respectfully submitted,  
MISSISSIPPI COMMISSION  
ON JUDICIAL PERFORMANCE

BY:   
Darlene D. Ballard  
Executive Director

Darlene D. Ballard, Esquire  
Mississippi Bar # 1726  
660 North Street, Suite 104  
Jackson, Mississippi 39202  
Telephone: 601-359-1273  
Facsimile: 601-354-6277  
ballard@judperf.state.ms.us

## **RECORD EXCERPT 5**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME  
2010-0146 P1

FILED

AUG 09 2011

CAUSE NO:

2010-0146-P1

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

ORDER AUTHORIZING TRANSFER OF FUNDS INTO CONSERVATORSHIP ACCOUNT  
FOR THE CONSTRUCTION OF HOME

THIS DAY this cause came before this Court, ex parte, for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. Per Order of this Court dated July 28, 2011, the Court hereby authorizes the law office of Merkel and Cocke, P.A., through its authorized representatives John Cocke and/or Dorothy Middleton, to transfer the sum of Two Hundred, Seventy-Three Thousand, and Seventy-Five Dollars and 14/100 Cents (\$273,075.14) from Regions bank, located in Clarksdale, MS, Account Number 0080431356, to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Denise Newsome, account located at People's Bank in Magee, MS, Account Number 3381050, for the construction of the ward's permanent home.
2. As of August 2, 2011, Fourteen Thousand, Six Hundred, Eighty Dollars and 00/100 Cents (\$14,680.00) of the above mentioned amount has been received.
3. Therefore, the total amount authorized to be transferred pursuant to the provisions above is the balance of Two Hundred, Fifty-Eight Thousand, Three Hundred, and Ninety-Five Dollars and 14/100 Cents (\$258,395.14).
4. **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED**, that the law office of Merkel and Cocke, P.A., is authorized and ordered to transfer the sum of Two Hundred, Fifty-Eight Thousand, Three Hundred, and Ninety-Five Dollars and 14/100 Cents (\$258,395.14) immediately to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Denise Newsome, for the construction of the ward's permanent home.

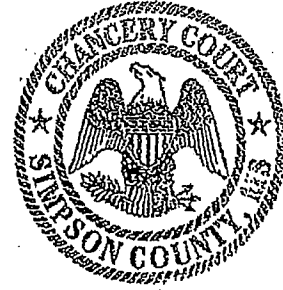
SO ORDERED, ADJUDGED AND DECREED this the 2<sup>nd</sup> day of August.

2011.

Chancery Book A-8 Page 523

David Shanks

CHANCELLOR



Prepared and Presented by:

Keely R. McNulty,

Attorney at Law, PLLC

119 1<sup>st</sup> Street S.E.

Post Office Box 376

Magee, Mississippi 39111

Tel: (601) 849-4122

Fax: (601) 849-4712

MSB#: 103314

## **RECORD EXCERPT 6**

Subject: Newsome  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe8851@bellsouth.net;  
Cc: walk123@bellsouth.net;  
Date: Tuesday, August 2, 2011 10:20 AM

Honorable Judge Shoemaker:

The attorney's who handled the medical malpractice portion of the ward's case, are the holders of the settlement funds. Despite me faxing the Order to them last Wednesday, the day you signed it, they have yet to wire the money. I have called everyday checking on the status, and they have told me it was wired and given me two different wire transfer numbers. I spoke with John Cocke (one of the two attorney's who handled the med mal portion) this morning, and he will not wire the money until he sees an order authorizing him to do so. I thought the previous order was clear enough, but obviously it was not. So, I have attached another order specifically authorizing the transfer of the money. If it meets your approval, please sign and fax to my office. The contractor and the dirt work company have been expecting their checks since last week, which is due to them, so I have been put in a bad position.

If you have any questions, please feel free to call me on my cell at 601-613-8661.  
I will also fax the order to the Chancery Clerk's office in Covington County, where I believe you are located today.

Thank you,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO: 2010-0146 P1

ORDER AUTHORIZING TRANSFER OF FUNDS INTO CONSERVATORSHIP ACCOUNT  
FOR THE CONSTRUCTION OF HOME

THIS DAY this cause came before this Court, ex parte, for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. The Court, per Order dated July 28, 2011, authorizes the sum of Two Hundred, Seventy-Three Thousand, and Seventy-Five Dollars and 14/100 Cents (\$273,075.14) to be transferred into the Conservatorship Account of Victoria Denise Newsome, ward. The account is located at People's Bank in Magee, MS, Account Number 3381050, and said funds shall be used for payment of the construction of the ward's home.

The total to be placed in Conservatorship account shall be \$ 273,075.14.

SO ORDERED, ADJUDGED AND DECREED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
CHANCELLOR

Prepared and Presented by:

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314



## **RECORD EXCERPT 7**

Print

Page 1 of 1

Subject: Newsome- cancel  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Cc: walk123@bellsouth.net;  
Date: Tuesday, August 2, 2011 3:20 PM

Honorable Judge Shoemaker,

Please disregard the last proposed order sent and do not sign that order. There have been some changes that will need to be made on it. I will re-draft and re-send. Sorry for any inconvenience.

Thanks,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Mableton, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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## **RECORD EXCERPT 8**

Print

Page 1 of 1

Subject: Newsome- revised Order  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Cc: walk123@bellsouth.net;  
Date: Tuesday, August 2, 2011 3:59 PM

Honorable Judge Shoemaker:

Please find attached the revised proposed order on the Newsome case, specifically ordering the law office, where the settlement funds are located, to immediately transfer the money to the Conservatorship Account. Hopefully this works. Please feel free to call me if you have any questions. (601-613-8661)

Thank you,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: **(601) 849-4122**  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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## **RECORD EXCERPT 9**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO: 2010-0146 P1

ORDER AUTHORIZING TRANSFER OF FUNDS INTO CONSERVATORSHIP ACCOUNT  
FOR THE CONSTRUCTION OF HOME

THIS DAY this cause came before this Court, ex parte, for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. Per Order of this Court dated July 28, 2011, the Court hereby authorizes the law office of Merkel and Cocke, P.A., through its authorized representatives John Cocke and/or Dorothy Middleton, to transfer the sum of Two Hundred, Seventy-Three Thousand, and Seventy-Five Dollars and 14/100 Cents (\$273,075.14) from Regions bank, located in Clarksdale, MS, Account Number 0080431356, to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Denise Newsome, account located at People's Bank in Magee, MS, Account Number 3381050, for the construction of the ward's permanent home.
2. As of August 2, 2011, Fourteen Thousand, Six Hundred, Eighty Dollars and 00/100 Cents (\$14,680.00) of the above mentioned amount has been received.
3. Therefore, the total amount authorized to be transferred pursuant to the provisions above is the balance of Two Hundred, Fifty-Eight Thousand, Three Hundred, and Ninety-Five Dollars and 14/100 Cents (\$258,395.14).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the law office of Merkel and Cocke, P.A., is authorized and ordered to transfer the sum of Two Hundred, Fifty-Eight

Thousand, Three Hundred, and Ninety-Five Dollars and 14/100 Cents (\$258,395.14) Immediately  
to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Denise Newsome,  
for the construction of the ward's permanent home.

SO ORDERED, ADJUDGED AND DECREED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
CHANCELLOR

Prepared and Presented by:  
Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

## **RECORD EXCERPT 10**



Print

Page 1 of 2

Subject: Re: Newsome  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Date: Tuesday, August 2, 2011 4:39 PM

I just received the signed order. Thank you.

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
keelymcnulty@yahoo.com

Teresa Myers,  
Legal Assistant  
tess7189@yahoo.com

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*Please consider the environment before printing this e-mail.*

--- On Tue, 8/2/11, David <shoe6651@bellsouth.net> wrote:

From: David <shoe6651@bellsouth.net>  
Subject: Re: Newsome  
To: "Keely R. McNulty" <keelymcnulty@yahoo.com>  
Date: Tuesday, August 2, 2011, 4:26 PM

Can I sign this? When does Judge Walker take the case back?

----- Original Message -----

From: Keely R. McNulty  
To: David Shoemake

## **RECORD EXCERPT 11**

Print

Page 1 of 3

Subject: Re: Newsome  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Date: Tuesday, August 2, 2011 4:31 PM

I would think you or Judge Walker could sign this Order. I know Judge Walker wanted you to handle all portions related to approving the bids/management contract/etc. This order piggy backs your previous order and sets out more specifically that the money is to be transferred for the approved bid/management contract/etc. If you don't feel comfortable signing, I will be more than happy to present to Judge Walker. His court administrator is aware of this Order. ✓

Thanks,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: **(601) 849-4122**  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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--- On Tue, 8/2/11, David <shoe6651@bellsouth.net> wrote:

From: David <shoe6651@bellsouth.net>  
Subject: Re: Newsome  
To: "Keely R. McNulty" <keelymcnulty@yahoo.com>

<http://us-mg5.mail.yahoo.com/neo/launch?.rand=9eombmntlp6un>

10/29/2013  
RE 11

## **RECORD EXCERPT 12**

Subject: Re: Newsome- revised Order  
From: walk123 (walk123@bellsouth.net)  
To: keelymcnulty@yahoo.com;  
Date: Tuesday, August 2, 2011 4:17 PM

Sounds good!!!

Kim Brister  
Court Administrator  
Chancery Court 13th District  
Post 2, Judge Joe Dale Walker  
Ph: 601/587-2997

From: Keely R. McNulty <keelymcnulty@yahoo.com>  
To: David Shoemake <shoe6651@bellsouth.net>  
Cc: Joe Dale Walker <walk123@bellsouth.net>  
Sent: Tue, August 2, 2011 3:59:39 PM  
Subject: Newsome- revised Order

Honorable Judge Shoemake:

Please find attached the revised proposed order on the Newsome case, specifically ordering the law office, where the settlement funds are located, to immediately transfer the money to the Conservatorship Account. Hopefully this works. Please feel free to call me if you have any questions. (601-613-8661)

Thank you,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississipp 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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## **RECORD EXCERPT 13**

Subject: Re: Newsome  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Date: Tuesday, August 2, 2011 4:33 PM

I just received the signed order. Thank you.

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: **(601) 849-4122**  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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*Please consider the environment before printing this e-mail.*

--- On Tue, 8/2/11, David <shoe6651@bellsouth.net> wrote:

From: David <shoe6651@bellsouth.net>  
Subject: Re: Newsome  
To: "Keely R. McNulty" <keelymcnulty@yahoo.com>  
Date: Tuesday, August 2, 2011, 4:26 PM

Can I sign this? When does Judge Walker take the case back?

----- Original Message -----  
From: Keely R. McNulty  
To: David Shoemake



## **RECORD EXCERPT 14**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

**FILED**

CAUSE NO: 2010-0146 P1

**FEB 02 2012**

**TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK**

THIS DAY this cause came before this Court, ex parte, on the Petition for Approval of Additional Construction Funds and to Authorize Transfer and Withdrawal of Funds from the Trust Account to the Conservatorship Account for the completion of the construction of a home for the Ward, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the Ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. That an additional sum, above the original bid amount, in the amount of Twenty-Three Thousand Dollars and 00/100 Cents (\$23,000.00) is needed to complete the home construction. This amount is necessary to replace several costly materials which have been periodically stolen from the construction site as well as a minimal increase in material costs from the supplier since the date the quote was first submitted. Keely R. McNulty, attorney for Petitioner, as well as the

Page 1 of 2

minute Book E-1 Page 00106

contractor, Chad Teater, have taken several measures throughout the course of the construction to deter and limit said theft. Neither Mrs. McNulty nor Mr. Teater attribute any of the theft to the construction site workers. That per this Order of the Court, the Court hereby authorizes the law office of Merkel and Cocke, P.A., through its authorized representatives, to immediately transfer the sum of Twenty-Three Thousand Dollars and 00/100 Cents (\$23,000.00) to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account Number 3381050, for the completion of the permanent residence of the Ward, Victoria D. Newsome.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the law office of Merkel and Cocke, P.A., located in Clarksdale, MS, is authorized and ordered to immediately transfer from the net settlement the sum of Twenty-Three Thousand Dollars and 00/100 Cents (\$23,000.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the permanent residence of the Ward.

SO ORDERED, ADJUDGED AND DECREED this the 25<sup>th</sup> day of January, 2012.

David Green  
CHANCELLOR

Prepared and Presented by:

Keely R. McNulty

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

## **RECORD EXCERPT 15**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

**FILED**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

JAN 24 2012

CAUSE NO: 2010-0146 P1

TOHMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

PETITION FOR APPROVAL OF ADDITIONAL CONSTRUCTION FUNDS  
AND TO AUTHORIZE TRANSFER AND WITHDRAWAL OF FUNDS

COMES NOW Marilyn Denise Newsome, Conservator of Victoria Newsome, and files this Petition for Approval of Additional Construction Funds and to Authorize Transfer and Withdrawal of Funds from the Trust Account to the Conservatorship Account for the completion of the construction of a home for the ward, and would show unto the Court the following:

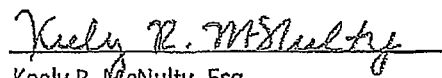
1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. Petitioner requests, from the net settlement funds, an additional sum, above the original bid amount, in the amount of Twenty-Three Thousand Dollars and 00/100 Cents (\$23,000.00) to complete the home construction. This amount is necessary to replace several costly materials which have been periodically stolen from the construction site as well as a minimal increase in material cost from the supplier since the date the quote was first submitted. The undersigned attorney for Petitioner, as well as the contractor, have taken several measures throughout the

course of the construction to deter and limit said theft, and upon information and belief, do not attribute any of the theft to the construction site workers. Please see the Affidavit from the contractor, Chad Teater, attached hereto as Exhibit "A", which further sets forth the facts.

4. Please see chart attached hereto as Exhibit "B", which compares the projected cost of each construction element versus the actual cost, as well as the items completed and pending balances.
5. The total home construction amount will still be lower than any other prior bids submitted, even with the Court's approval of the additional funds requested herein.
6. With Court approval of the additional funds herein, the permanent residence of the ward should be complete by the end of January 2012.

WHEREFORE, PREMISES CONSIDERED, Petitioner requests the Court to authorize the additional funds requested herein and order the immediate transfer of said funds, from the net settlement, in the amount of Twenty-three Thousand and 00/100 Cents (\$23,000.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., in Clarksdale, MS, and deposit said funds into the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the ward's permanent residence.

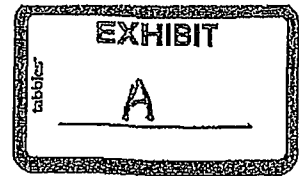
Respectfully submitted,

  
Keely R. McNulty, Esq.  
Attorney for Petitioner

Prepared and Presented by:

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

STATE OF MISSISSIPPI  
COUNTY OF SIMPSON



Affidavit

PERSONALLY appeared before me, the undersigned authority in and for said county and state, CHAD TEATER, who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

Affiant is informed and believes, and on such information and belief, and in good faith, states the following:

That I, Chad Teater, being the contractor charged with constructing the permanent residence of ward Victoria Newsome, whose Conservator is Marilyn Newsome, in the case styled *In The Matter of the Conservatorship of Victoria Denise Newsome*, filed in the Chancery Court of Simpson County, Mississippi, cause number 2010-0146. I have been appointed to construct said residence per Order of the above mentioned court dated July 22, 2011 and entered by Honorable Judge David Shoemaker.

That upon information and belief, throughout the construction of the residence, various materials have been stolen from the construction site. The main materials which have become missing from time to time consist of several bundles (or squares) of shingles, approximate cost being \$92.00 per square, trim lumber, and framing lumber and materials.

I have no personal knowledge of the person(s) who took the items, although I do not believe any member of my construction crew, nor any subcontractor which I work with, would ever steal from a site. I have worked with all of these individuals for over 7 years, and I have never had a problem with theft.

I have attempted to reduce the theft by instructing all workers to pick up all materials and tools from the site at the end of each day, although this has caused a hardship and delay. Other items have been taken from the site, including tools of workers, scrap metal, rebar from the foundation, scrap boards, all of which were replaced without charge or were not necessary to be replaced.

The replacement cost of said materials is the sum of Twenty-Three Thousand Dollars (\$ 23,000.00).

Due to the delivery schedule of our suppliers, we were not always present at the site when materials were delivered. Deliveries are made in stages, and are based on what is available at that time and what is needed at that stage in construction. Therefore, we are unable to have an up to date check and balance as to which materials are on the site at what time. Furthermore, the billing process is on a monthly basis, so we are unable to compare the invoice with the materials delivered.

A handwritten signature of Chad Teater in cursive script, written over a horizontal line.  
CHAD TEATER

SWORN to and subscribed before me, this the 20<sup>th</sup> day of January, 2012.

A handwritten signature of Keely R. McNulty in cursive script, written over a horizontal line.  
NOTARY PUBLIC



# VICTORIA NEWSOME HOUSE CONSTRUCTION AS OF JANUARY 19, 2012

EXHIBIT

B

DESCRIPTION	PROJECTED	ACTUAL	Check No.	COMPLETED	TOTAL	REMAINING COST	DIFFERENCE
Compaction Test	500.00	500.00	16152	Yes	500.00	-0-	-0-
Dirtwork	6,680.00	6,680.00	17759	Yes	6,680.00	-0-	-0-
Pest	750.00	750.00	17762	Yes	750.00	-0-	-0-
Foundation Labor	8,480.00	Draw 1 - 5,000.00 Draw 2 - 3,480.00	17761 17782	Yes	8,480.00	-0-	-0-
Foundation Material	2,845.00	2,356.20	17791	Yes	2,356.20	-0-	-488.80
Concrete	11,042.40	12,369.20	17790	Yes	12,369.20	-0-	+1,326.80
Framing	26,500.00	Draw 1 - 10,000.00 Draw 2 - 9,000.00 Draw 3 - 4,000.00 Draw 4 - 3,500.00	18346 18378 18391 18805	Yes	26,500.00	-0-	-0-
Electrical	10,431.00	Draw 1 - 4,000.00 Draw 2 - 4,819.40	18818 18849	No	8,819.40	3,000.00	+1,388.40
Plumbing	10,250.00	Draw 1 - 2,512.16 Draw 2 - 1,989.87 Draw 3 - 3,350.00	17780 17781 18836	No	7,852.03	3,200.00	+802.03
Tubs, sinks, faucets, HW heater	9,497.00	Draw 1 - 5,854.99 Draw 2 - 1,500.00	18837 18900	No	7,354.99	2,200.00	+57.99
HVAC	12,150.00	7,300.00	18839	No	7,300.00	4,850.00	-0-
Roofer	3,200.00	2,800.00	18838	Yes	2,800.00	-0-	-400.00
Sheetrock Materials	5,100.00	Draw 1 - 3,806.36 Draw 2 - 186.44	18840 18864	Yes	3,992.80	-0-	-1,107.20
Sheetrock Labor	6,092.00	5,940.48	18850	Yes	5,940.48	-0-	-151.52
Insulation	4,000.00	2,187.08	18852	No	2,187.08	1,000.00	-812.92
Trim Labor	10,116.00	8,322.50	18851	No	8,322.50	500.00	-1,293.50
Paint	12,810.00	Draw 1 - 4,250.00 Draw 2 - 3,000.00 Draw 3 - 1,000.00 Draw 4 - 2,000.00 Draw 5 - 2,950.00	19738 19727 19718 19710 18899	No	13,200.00	1,500.00	+1,890.00
Light Fixtures	3,325.00	3,000.00		No	3,000.00	325.00	-0-
Fireplace	1,100.00	374.50	18853	No	374.50	600.00	-125.50



# VICTORIA NEWSOME HOUSE CONSTRUCTION AS OF JANUARY 19, 2012

DESCRIPTION	PROJECTED	ACTUAL	Check No.	COMPLETED	TOTAL	REMAINING COST	DIFFERENCE
Flooring: stained concrete, tile	12,995.00	Draw 1 - 4,450.00 Draw 2 - 4,508.23	17792 18881	No	8,958.23	4,100.00	+63.23
Appliances	6,000.00	5,199.13	18848	Yes	5,199.13	-0-	-800.87
Mirrors and accessories	2,400.00			No		2,400.00	-0-
Materials (Framing and Trim, roofing, windows, and doors)	57,112.11	Draw 1 - 30,915.86 Draw 2 - 19,056.22 Draw 3 - 25,526.90 Draw 4 - 1,276.55	18383 19737 18883 18865	No	76,775.53	3,500.00	+23,163.42
Countertops	3,900.00			No		3,900.00	-0-
Cabinet Doors	2,700.00	2,655.70	18886	Yes	2,655.70	-0-	-44.30
Hardware/pulls	3,000.00	3,000.00		Yes	3,000.00	-0-	-0-
Brick Materials	9,000.00	Draw 1 - 8,213.27 Draw 2 - 642.00	18835 19711	No	8,855.27	800.00	+655.27
Brick Labor	7,300.00	Draw 1 - 1,600.00 Draw 2 - 3,350.00	18897 18882	No	4,950.00	2,400.00	+50.00
Vinyl Siding	6,100.00	Draw 1 - 1,000.00 Draw 2 - 5,100.00	18866 18855	Yes	6,100.00	-0-	-0-
Treatment Plant	2,200.00	2,200.00		No	2,200.00	2,200.00	-0-
Driveway/Sidewalks	4,099.63	4,100.00		No	4,100.00	4,100.00	+0.37
Gutters	2,400.00			No		1,500.00	-900.00
Fee	30,000.00	Draw 1 - 8,000.00 Draw 2 - 8,000.00 Draw 3 - 8,000.00 (not funded yet)	17758 18806	No	24,000.00	6,000.00	-0-
Landscaping	2,500.00			No		2,500.00	-0-

## **RECORD EXCERPT 16**

EXHIBIT

B

DEC 28 2011

Construction Management Agreement

Contract shall be for a flat fee of 30,000.00 for the planning and supervision of the construction of a new home for and between Victoria Newsome and C.T. Construction. Payment shall be made in four installments to be made at the following times.

Payment #1	\$8,000.00	Due upon start of project
Payment #2	\$8,000.00	Due when framing is complete
Payment #3	\$8,000.00	Due upon completion of trim
Payment #4	\$6,000.00	Due upon completion

The Homeowner is to obtain a construction loan and will pay all invoices regarding the construction of said home. The Contractor will use trade accounts for the materials and will submit bills to the Homeowner for payment directly to the vendors. The Homeowner will be liable for all charges made on Contractor's accounts for and only for said home. All amounts on Contractor's trade accounts must be paid in full before closing.

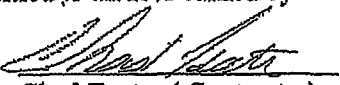
The Contractor will have the right to reimbursements for all actual expenses such as permits and other minor items which may call for immediate payment in order to proceed with construction.

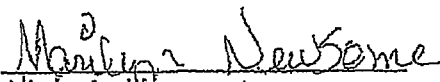
The Contractor will plan and supervise all construction including lining up the subcontractors and supervising their work. All subcontractors will be supplied by Contractor.

Homeowner will be responsible for all insurance coverage and will not hold Contractor liable. Contractor will warranty all work performed by said contractor and subcontractors for one year from the date of completion.

Homeowner agrees to furnish Contractor with all necessary plans, specifications and other documents required in the construction of the house. Homeowners agree and acknowledge that Owners are not relying upon Contractor for the proper design, specification, plans or drawings for the house on the property, but instead have or will require the same from an architect or other party.

Either party shall have the right to terminate this agreement upon five days written notice to the other party. In the event of such termination and if Contractor has properly performed its obligation hereunder, Contractor shall be entitled to all fees earned by Contractor through the date of such termination.

  
Chad Teater (Contractor)

  
Victoria Newsome  
By: Marilyn Newsome,  
Conservator

## **RECORD EXCERPT 17**

**FILE COPY**

Subject: Re: Newsome

From: Kim B (walk123@bellsouth.net)

To: keelymcnulty@yahoo.com;

Date: Thursday, January 5, 2012 1:28 PM

We r leaving Collins soon heading back to office. Will fax back ASAP from office.

Sent from Kim's iPhone.

**RECEIVED**

OCT 23 2013

On Jan 5, 2012, at 12:22 PM, "Keely R. McNulty" <keelymcnulty@yahoo.com> wrote:

MISSISSIPPI COMMISSION  
ON JUDICIAL PERFORMANCE

I will amend the GAL order, and re-send.

When might I expect to have the other Order?

Thanks!

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
keelymcnulty@yahoo.com

Teressa Myers,  
Legal Assistant  
tess7189@yahoo.com

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*Please consider the environment before printing this e-mail.*

From: Kim B <walk123@bellsouth.net>  
To: Keely R. McNulty <keelymcnulty@yahoo.com>  
Sent: Thursday, January 5, 2012 12:04 PM  
Subject: Re: Newsome

Keely, Judge said to Nunc pro tunc GAL order to same day that other Gal order was signed then resend to us. Thanks.

Sent from Kim's iPhone.

On Jan 4, 2012, at 3:49 PM, "Keely R. McNulty" <keelymcnulty@yahoo.com> wrote:

Honorable Judge Walker/Mrs. Kim:

It was a pleasure seeing you both today!

Please see attached 1. Petition to correct typo on bid, 2. accompanying Order, and 3. GAL Order.

Please advise if I need to make any revisions. I believe the GAL order should date back to January 12, 2011, as that is when my duties began. Can you "hand file" the GAL order as of that date? Otherwise, I'm not sure how to have it back dated correctly...

I have faxed these documents to your Monticello office and to Jimmie Baggett's fax. I have attached them in Microsoft Word format as well as scanned them in PDF format with my signatures.

Thanks,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: **(601) 849-4122**  
keelymcnulty@yahoo.com

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*Please consider the environment before printing this e-mail.*

<newsomescanneddoc.pdf>

<Newsome Petition 11.doc>

<Newsome Order 11.doc>

<newsomevictoriaguardianadlitemorder.docx>

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO: 2010-0146 P2

PETITION FOR APPROVAL OF CORRECTION OF CONSTRUCTION FUND AMOUNT  
AND TO AUTHORIZE TRANSFER AND WITHDRAWAL OF FUNDS

COMES NOW Marilyn Denise Newsome, Conservator of Victoria Newsome, and files this Petition for Approval of Correction of Construction Fund Amount and to Authorize Transfer and Withdrawal of Funds from the Trust Account to the Conservatorship Account for the completion of the construction of a home for the ward, and would show unto the Court the following:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemaker, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemaker on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. That due to a typographical error, the bid amount in the Petition and Order were inconsistent with the actual bid amount per Exhibit "A" attached to said Petition and Order. The amount stated in the Petition and Order was \$273,075.14, when the actual bid amount was \$296,575.14. The actual bid amount of \$296,575.14 was the amount represented to the Court at all times, and was the lowest bid received. Therefore, Petitioner requests, from the net settlement, the difference of \$23,500.00, to reflect the appropriate bid amount.



WHEREFORE, PREMISES CONSIDERED, Petitioner requests the Court to give authorization to immediately transfer funds, from the net settlement, in the amount of Twenty-three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., in Clarksdale, MS, and deposit said funds into the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the ward's permanent residence.

Respectfully submitted,

Keely R. McNulty

Keely R. McNulty, Esq.

Attorney for Petitioner

Prepared and Presented by:

Keely R. McNulty

Keely R. McNulty,

Attorney at Law, PLLC

119 1<sup>st</sup> Street S.E.

Post Office Box 376

Magee, Mississippi 39111

Tel: (601) 849-4122

Fax: (601) 849-4712

MSB#: 103314

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO: 2010-0146 P2

ORDER

THIS DAY this cause came before this Court, ex parte, on the Petition for Approval of Correction of Construction Fund Amount and to Authorize Transfer and Withdrawal of Funds for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. That due to a typographical error, the bid amount in the Petition and Order were inconsistent with the actual bid amount per Exhibit "A" attached to said Petition and Order. The amount stated in the Petition and Order was \$273,075.14, when the actual bid amount was \$296,575.14. The actual bid amount of \$296,575.14 was the amount represented to the Court at all times, and was the lowest bid received. Therefore, Petitioner requests, from the net settlement, the difference of \$23,500.00, to reflect the appropriate bid amount.

4. That per this Order of the Court, the Court hereby authorizes and orders the law office of Merkel and Cocke, P.A., through its authorized representatives, to transfer the total sum of Twenty-Three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account Number 3381050, for the completion of the permanent residence of the Ward, Victoria D. Newsome.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the law office of Merkel and Cocke, P.A., located in Clarksdale, MS, is authorized and ordered to immediately transfer from the net settlement the sum of Twenty-Three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the permanent residence of the Ward.

SO ORDERED, ADJUDGED AND DECREED this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
CHANCELLOR

Prepared and Presented by:

Keely R. McNulty

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

NO. 2010-0146 P2

ORDER APPOINTING GUARDIAN AD LITEM

THIS CAUSE came on to be heard this day, and this Court having heard and considered the same finds that VICTORIA DENISE NEWSOME, is under the jurisdiction of this Court, and it is in the best interest of VICTORIA DENISE NEWSOME that a Guardian Ad Litem be appointed.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that: KEELY R. McNULTY, Attorney at Law, 119 1<sup>st</sup> Street, Post Office Box 376, Magee, Mississippi 39111; telephone: (601) 849-4122, be appointed as the Guardian ad Litem for VICTORIA DENISE NEWSOME in the above styled cause to act on her behalf, and do all things necessary, to protect her interests.

IT IS FURTHER ORDERED THAT:

1. KEELY R. McNULTY, Attorney at Law, is duly certified to act as Guardian ad Litem on behalf of the best interest of VICTORIA DENISE NEWSOME in this case;
2. Upon presentation of this Order to any agency, hospital, organization, school, person or office, including the Clerk of this Court, Department of Human Services, human service agencies, physicians, pediatricians, psychologists, psychiatrists, counsels, therapists and law enforcement agencies, the aforementioned shall permit the Guardian ad Litem to inspect and/or copy any records relating to VICTORIA DENISE NEWSOME, without consent by VICTORIA DENISE NEWSOME or her conservator/conservatrix;
3. The Guardian Ad Litem assigned to this cause shall maintain any information received for any such source as confidential, and shall not disclose the same except in reports to the Court and the other parties to this cause;

4. The Guardian ad Litem shall, upon presentation of this Order, have full access to all reports introduced during the proceedings;
5. The Guardian ad Litem may interview witnesses;
6. The Guardian ad Litem shall be noticed and have the right to appear on behalf of VICTORIA DENISE NEWSOME, at any hearings, interviews, investigations, depositions or other proceedings, and not proceedings shall take place unless the Guardian ad Litem accompanies VICTORIA DENISE NEWSOME;
7. The Guardian ad Litem shall be informed of all placements of VICTORIA DENISE NEWSOME; and,
8. The Guardian ad Litem shall be served with copies of all pleadings and notices filed by any party in any litigation concerning VICTORIA DENISE NEWSOME. The Guardian ad Litem shall be a party to any agreement or plan entered into on behalf of or that affects VICTORIA DENISE NEWSOME.

IT IS FURTHER ORDERED that the Clerk of the Court is instructed to forward a copy of this Order to KEELY R. McNULTY, Attorney at Law.

SO ORDERED, ADJUDGED AND DECREED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Order prepared by:

KEELY R. McNULTY  
ATTORNEY AT LAW  
119 1<sup>ST</sup> STREET SE  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
(601) 849-4122  
MSBA NO. 103314

\_\_\_\_\_  
CHANCELLOR JOE DALE WALKER

Print

Page 1 of 1

Subject: [No Subject]

From: Teresa Myers (tess7189@yahoo.com)

To: keelymcnulty@yahoo.com;

Date: Wednesday, January 4, 2012 3:40 PM

Teresa Myers,  
Legal Assistant  
Keely R. McNulty, Attorney at Law, PLLC  
119 1st Street SE  
P.O. Box 376  
Magee, Mississippi 39111  
601-849-4122  
601-849-4712 (Fax)

278

8/5/2013

## **RECORD EXCERPT 18**

File 3/26/2012  
for

Rec'd.  
4-24-12  
DM

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO: 2010-0146 P2

ORDER

THIS DAY this cause came before this Court, ex parte, on the Petition for Approval of Correction of Construction Fund Amount and to Authorize Transfer and Withdrawal of Funds for housing matters concerning the Conservatorship of Victoria Newsome, and this Court, having received and considered same and having held an ex parte meeting, finds and adjudicates as follows:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. That due to a typographical error, the bid amount in the Petition and Order were inconsistent with the actual bid amount per Exhibit "A" attached to said Petition and Order. The amount stated in the Petition and Order was \$273,075.14, when the actual bid amount was \$296,575.14. The actual bid amount of \$296,575.14 was the amount represented to the Court at all times, and was the lowest bid received. Therefore, Petitioner requests, from the net settlement, the difference of \$23,500.00, to reflect the appropriate bid amount.

Page 1 of 2

Minute Book F-8 Page 00612



4. That per this Order of the Court, the Court hereby authorizes and orders the law office of Merkel and Cocke, P.A., through its authorized representatives, to transfer the total sum of Twenty-Three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account Number 3381050, for the completion of the permanent residence of the Ward, Victoria D. Newsome.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the law office of Merkel and Cocke, P.A., located in Clarksdale, MS, is authorized and ordered to immediately transfer from the net settlement the sum of Twenty-Three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., to the Conservatorship Account of Marilyn Newsome, Conservator of Victoria D. Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the permanent residence of the Ward.

SO ORDERED, ADJUDGED AND DECREED this the

26<sup>th</sup> day of March, 2012, none pro tunc  
Aug 2, 2011.

David Sheen  
CHANCELLOR

Prepared and Presented by:

Keely R. McNulty

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

## **RECORD EXCERPT 19**

FILED

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

JAN 24 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO. 2010-0146-P2

SHOW CAUSE PETITION

COMES NOW, Petitioner Keely R. McNulty, hereinafter referred to as "McNulty", being the Court appointed Guardian Ad Litem for Victoria Denise Newsome, hereinafter referred to as "Victoria", and files this Show Cause Petition against Marilyn Denise Newsome, hereinafter referred to as "Marilyn", Defendant herein, and would respectfully show unto the Court the following facts, to-wit:

I.

That on July 14, 2010, Marilyn Denise Newsome was appointed as Conservatrix for Victoria Denise Newsome, per order of this Court.

II.

That on January 12, 2011, Keely R. McNulty was appointed as Guardian Ad Litem for Victoria Denise Newsome, per Order of this Court.

III.

Marilyn is an adult resident citizen of Simpson County, and she may be served with process of this Court by serving her at: 178 Coats Road, Mt. Olive, Mississippi 39119.

IV.

Wherefore certain facts and circumstances have come to the attention of Petitioner, in her capacity as Guardian Ad Litem of Victoria, which may be adverse to the personal and financial health and well-being of Victoria; and Petitioner believes it to be in the best interest of Victoria that these matters come before this Court to be heard and adjudicated regarding the Conservatorship of the estate of Victoria.

V.

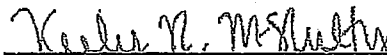
Therefore, Petitioner prays for a ruling issued by this Court for Defendant to show cause as to why Defendant should not be held in contempt of court for her failure to comply with the terms of the Decree Appointing Conservator as well as the Oath of Conservator by failing to act faithfully to discharge the fiduciary duties of Conservator to act, at all times, in the best interest of the Ward, Victoria.

VI.

Furthermore, Petitioner prays for Guardian Ad Litem fees and such relief as the Court may deem appropriate.

WHEREFORE, PREMISES CONSIDERED, Petition prays that this Petition be received and filed, and process be issued for Marilyn for the time and manner required by law, and that upon a hearing hereof, the Court will issue an Order that finds Marilyn to be in contempt of this Court and order any such relief, be it general or specific, to which the Court may deem appropriate as well as the payment of the Guardian Ad Litem fees.

Respectfully submitted,

  
\_\_\_\_\_  
KEELY R. McNULTY, GUARDIAN AD LITEM  
FOR VICTORIA DENISE NEWSOME

KEELY R. McNULTY, MSBA NO. 103314  
ATTORNEY AT LAW  
119 1<sup>ST</sup> STREET SE  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
PHONE: (601) 849-4122  
FACSIMILE: (601) 849-4712

STATE OF MISSISSIPPI  
COUNTY OF SIMPSON

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Keely R. McNulty, who, being by me first duly sworn, states on oath that the matters and things contained in the above and foregoing Show Cause Petition are true and correct as therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 24th day of January, 2012.

Deborah J. Myers  
NOTARY PUBLIC



## **RECORD EXCERPT 20**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

NO. 2010-0146 P2

**FILED**

APR 17 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

MOTION TO WITHDRAW AS COUNSEL  
AND AS GUARDIAN AD LITEM

COMES NOW, Keely R. McNulty, Attorney for the Conservatorship of Victoria Denise Newsome, and Guardian Ad Litem for Victoria Denise Newsome, and files this her Motion To Withdraw as Counsel and as Guardian Ad Litem for Victoria Denise Newsome and in support of said Motion would show unto the Court as follows, to wit:

I.

The undersigned has been acting as counsel for the Conservatorship of Victoria Denise Newsome.

II.

The undersigned has been acting as Guardian Ad Litem for Victoria Denise Newsome.

III.

The undersigned was furnished with a letter, attached hereto as Exhibit "A", from Marilyn Newsome advising that my services were no longer needed.

IV.

The undersigned should therefore be allowed to withdraw as counsel for the Conservatorship of Victoria Denise Newsome and be allowed to withdraw as Guardian Ad Litem for Victoria Denise Newsome.



v.

The undersigned should be fully discharged from her duties in this matter and should be paid in full for her services rendered to date. Please see the Itemized Statement attached hereto as Exhibit "B".

WHEREFORE, PREMISES CONSIDERED, Keely R. McNulty prays that upon a hearing of this matter the Court will enter an Order allowing counsel to withdraw and allowing counsel to be paid in full for services rendered.

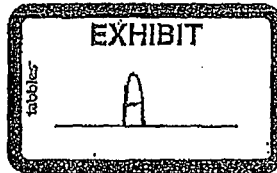
RESPECTFULLY SUBMITTED, this the 10<sup>th</sup> day of April, 2012.

Keely R. McNulty

KEELY R. McNULTY,  
ATTORNEY AT LAW

KEELY R. McNULTY  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
PHONE: (601) 849-4122  
FAX: (601) 849-4712  
MSBA # 103314

March 14, 2012



HAND-DELIVERED

Keely McNulty  
Attorney at Law  
P.O. Box 376  
Magee, MS 39111

Re: Conservatorship of Victoria Denise Newsome  
Simpson County Chancery Court, No. 2010-0146-P2

Dear Ms. McNulty:

This letter is to advise you that I no longer need your services in this case and your services are terminated.

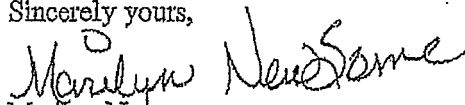
I would further like to point out that you were representing me as my attorney and then you filed a Petition against me.

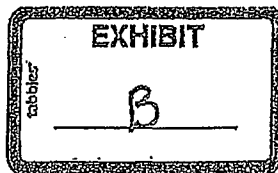
This is a direct violation of the Rules of Ethics.

Please provide me within ten (10) days, a complete copy of my entire file that you have in your possession.

Also please refund to my daughter's account all fees you have been paid by the Court in this case.

Sincerely yours,

  
Marilyn Newsome



Itemized Statement of Keely R. McNulty, Attorney at Law, PLLC

RE: Newsome

DATE	DESCRIPTION
10-27-11	Talked to contractor regarding water supply needed at new house. Called water company, requested check from bank, notified client to go sign documents at water company.
10-28-11	Picked up check from bank. Talked to client. Called contractor. Talked to water company. Returned check to bank, no new water service needed- we will tap into existing water meter. Marilyn mis-informed water company that someone will still be living in mobile home once they move into new house.
11-02-11	Requested weekly draw amounts from contractor. Inserted figures into comparison and ledger chart for contractor/vendor fees. Calculated figures to date. Reviewed figures.
11-03-11	Reviewed bills. Paid monthly bills. Balanced bank account ledger. Ordered more gas for gas tank to mobile home. Requested quote on builders insurance on permanent residence. Recorded checks in ledger.
11-07-11	Ordered builders insurance policy. Paid premium to insurance associate. Recorded check in ledger.
11-08-11	Filed Order dated October 31, 2011.
11-09-11	Requested weekly draw amounts from builder. Faxed Order to Merkle and Cocke to wire money per Order.
11-10-11	Reviewed bills. Talked to client. Called DirectTV to remove additional services which were added with no authorization. Requested checks from bank. Picked up checks. Disbursed and mailed checks. Recorded checks in ledger.
11-17-11	Requested weekly draw amounts from contractor. Requested checks from bank. Visited house site to review progress.
11-18-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
11-23-11	Reviewed bills. Requested weekly draw amounts from contractor. Requested checks from bank.
11-25-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
11-30-11	Requested weekly draw amounts from contractor. Requested checks from bank.
12-02-11	Picked up checks from bank. Disbursed and mailed checks to appropriate individuals. Recorded checks in ledger.
12-07-11	Requested weekly draw amounts from contractor. Requested checks from bank.

## **RECORD EXCERPT 21**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

**FILED**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

MAR 20 2012

NO. 2010-0146 P2

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Keely R. McNulty, Attorney for the Conservatorship of Victoria Denise Newsome, and files this her Motion To Withdraw as Counsel for Victoria Denise Newsome and in support of said Motion would show as follows:

I.

The undersigned has been acting as counsel for the Conservatorship of Victoria Denise Newsome.

II.

The undersigned was furnished with a letter, attached hereto as Exhibit "A", from Marilyn Newsome advising that my services were no longer needed.

III.

The undersigned should therefore be allowed to withdraw as counsel for the Conservatorship of Victoria Denise Newsome.

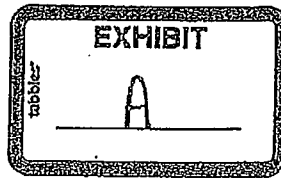
WHEREFORE, PREMISES CONSIDERED, Keely R. McNulty prays that upon a hearing of this matter the Court will enter an Order allowing counsel to withdraw.

RESPECTFULLY SUBMITTED, this the 16<sup>th</sup> day of March, 2012.

KEELY R. McNULTY  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
PHONE: (601) 849-4122  
FAX: (601) 849-4712  
MSBA # 103314

Keely R. McNulty  
KEELY R. McNULTY

March 14, 2012



HAND-DELIVERED

Keely McNulty  
Attorney at Law  
P.O. Box 376  
Magee, MS 39111

Re: Conservatorship of Victoria Denise Newsome  
Simpson County Chancery Court, No. 2010-0146-P2

Dear Ms. McNulty:

This letter is to advise you that I no longer need your services in this case and your services are terminated.

I would further like to point out that you were representing me as my attorney and then you filed a Petition against me.

This is a direct violation of the Rules of Ethics.

Please provide me within ten (10) days, a complete copy of my entire file that you have in your possession.

Also please refund to my daughter's account all fees you have been paid by the Court in this case.

Sincerely yours,

A handwritten signature in cursive script that reads "Marilyn Newsome".  
Marilyn Newsome

CERTIFICATE OF SERVICE

I, Keely R. McNulty, Attorney at Law, do hereby certify that I have this date mailed by U.S. Mail, postage prepaid, a true and correct copy of the Motion To Withdraw As Counsel to the following, to-wit:

Terrell Stubbs  
Attorney at Law  
P.O. Box 157  
Mendenhall, Mississippi 39114

**FILED**

MAR 20 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

This the 16<sup>th</sup> day of March, 2012.

Keely R. McNulty  
KEELY R. McNULTY, ATTORNEY AT LAW

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

NO. 2010-0146 P2

NOTICE OF HEARING

**FILED**

MAR 20 2012

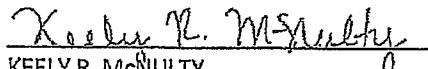
TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

To: Terrell Stubbs  
Attorney at Law  
P.O. Box 157  
Mendenhall, Mississippi 39114

PLEASE TAKE NOTICE that the undersigned will bring the Motion to Withdraw As Counsel on for hearing at the Courthouse in Collins, Covington County, Mississippi, on the 27<sup>th</sup> day of March, 2012, at 9:30 A.M.

This the 16<sup>th</sup> day of March, 2012.

Respectfully submitted,

  
KEELY R. McNULTY

KEELY R. McNULTY  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
PHONE: (601) 849-4122  
FAX: (601) 849-4712  
MSBA # 103314



## **RECORD EXCERPT 22**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

FILED

APR 24 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

NO. 2010-0146 P2

AMENDED MOTION TO WITHDRAW AS COUNSEL  
AND AS GUARDIAN AD LITEM

COMES NOW, Keely R. McNulty, Attorney for the Conservatorship of Victoria Denise Newsome, and Guardian Ad Litem for Victoria Denise Newsome, and files this her Motion To Withdraw as Counsel and as Guardian Ad Litem for Victoria Denise Newsome and in support of said Motion would show unto the Court as follows, to wit:

I.

The undersigned has been acting as counsel for the Conservatorship of Victoria Denise Newsome.

II.

The undersigned has been acting as Guardian Ad Litem for Victoria Denise Newsome.

III.

The undersigned was furnished with a letter, attached hereto as Exhibit "A", from Marilyn Newsome advising that my services were no longer needed.

IV.

The undersigned should therefore be allowed to withdraw as counsel for the Conservatorship of Victoria Denise Newsome and be allowed to withdraw as Guardian Ad Litem for Victoria Denise Newsome.

V.

The undersigned should be fully discharged from her duties in this matter in every capacity and shall not be responsible for actions of the Conservator nor the activity of the Conservatorship Account located at Peoples Bank, Magee, MS as of the date of the last authorized action/transaction by the undersigned, being March 27, 2012.

WHEREFORE, PREMISES CONSIDERED, Keely R. McNulty prays that the Court will enter an Order allowing counsel to withdraw, allowing counsel to be discharged of all duties herein which include her duties as Guardian Ad Litem, and allowing counsel to be relieved of further liability.

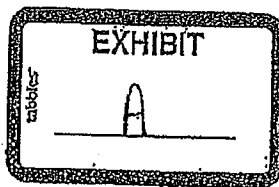
RESPECTFULLY SUBMITTED, this the 23<sup>rd</sup> day of April, 2012.

Keely R. McNulty  
KEELY R. McNULTY,  
ATTORNEY AT LAW

KEELY R. McNULTY  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 376  
MAGEE, MISSISSIPPI 39111  
PHONE: (601) 849-4122  
FAX: (601) 849-4712  
MSBA # 103314

March 14, 2012

Keely McNulty  
Attorney at Law  
P.O. Box 376  
Magee, MS 39111



HAND-DELIVERED

Re: Conservatorship of Victoria Denise Newsome  
Simpson County Chancery Court, No. 2010-0146-P2

Dear Ms. McNulty:

This letter is to advise you that I no longer need your services in this case and your services are terminated.

I would further like to point out that you were representing me as my attorney and then you filed a Petition against me.

This is a direct violation of the Rules of Ethics.

Please provide me within ten (10) days, a complete copy of my entire file that you have in your possession.

Also please refund to my daughter's account all fees you have been paid by the Court in this case.

Sincerely yours,

A handwritten signature in cursive script that reads "Marilyn Newsome".  
Marilyn Newsome

CERTIFICATE OF SERVICE

I, Keely R. McNulty, Attorney at Law, do hereby certify that I have this date mailed by U.S. Mail, postage prepaid, a true and correct copy of the Amended Motion To Withdraw As Counsel And As Guardian Ad Litem to the following, to-wit:

Terrell Stubbs  
Attorney at Law  
P.O. Box 157  
Mendenhall, Mississippi 39114

This the 23<sup>rd</sup> day of April, 2012.

Keely R. McNulty  
KEELY R. McNULTY, ATTORNEY AT LAW

## **RECORD EXCERPT 23**

IN THE CHANCERY COURT  
OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

Cause-No. 2010-0146-P2

FILED

MAR 14 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

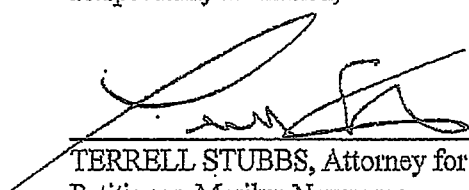
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ENTRY OF APPEARANCE OF COUNSEL

---

COMES NOW, the undersigned, Terrell Stubbs, and enters his appearance as Attorney for Petitioner, Marilyn Newsome and requests that all pleadings and notices directed to Petitioner, Marilyn Newsome, individually and in her capacity as Conservator of her daughter, Victoria Newsome, be sent to the undersigned at his usual mailing address of P. O. Box 157, Mendenhall, MS 39114.

Respectfully submitted,



---

TERRELL STUBBS, Attorney for  
Petitioner, Marilyn Newsome

Page 1 of 2

CERTIFICATE OF SERVICE

I, TERRELL STUBBS, attorney of record for the Petitioner, Marilyn Newsome, do hereby certify that I have this day mailed postage prepaid, a true and correct copy of the foregoing ENTRY OF APPEARANCE, to the following:

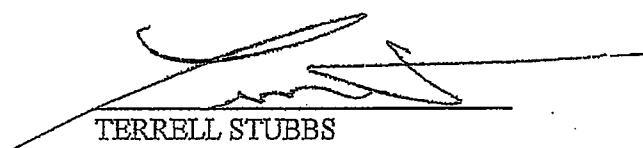
Keely McNulty, Esq.  
Attorney at Law  
P.O. Box 376  
Magee, MS 39111

Richard A. Courtney, Esq.  
Attorney at Law  
4400 Old Canton Rd., Ste. 220  
Jackson, MS 39211

John H. Cocke, Esq.  
Attorney at Law  
P.O. Box 1388  
Clarksdale, MS 38619

Judge, Joe Dale Walker  
13<sup>th</sup> District Chancellor, Post 2  
P.O. Box 909  
Monticello, MS 39654

This the 14<sup>th</sup> day of March, 2012.



TERRELL STUBBS  
Attorney at Law  
THE STUBBS LAW FIRM, PLLC  
120 W. Court Avenue  
P.O. Box 157  
Mendenhall, MS 39114  
601-847-4811  
MB # 8017  
[www.thestubbslawfirm.com](http://www.thestubbslawfirm.com)



## **RECORD EXCERPT 24**

**FILED**

**MAY 14 2012**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

**TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

NO. 2010-0146 P2

ORDER ALLOWING COUNSEL TO WITHDRAW

THIS DAY THIS MATTER, came on ex parte, the Amended Motion of Keely R. McNulty for an Order allowing Keely R. McNulty to withdraw as attorney for the Conservatorship of Victoria Denise Newsome, to be discharged of all her duties in the above styled and numbered cause which include her duties as Guardian Ad Litem of Victoria Denise Newsome, and to be relieved of liability for further actions of the Conservator and further activity of the Conservatorship Account located at Peoples Bank, Magee, MS as of the date of the last authorized action/transaction by the undersigned, being March 27, 2012, the Court finds that it is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Keely R. McNulty shall be and hereby is withdrawn as counsel for the Conservatorship of Victoria Denise Newsome; shall be and hereby is withdrawn as Guardian Ad Litem of Victoria Denise Newsome in the above styled and numbered cause; shall be and is hereby discharged of any further duties in this cause; and shall no longer be responsible for actions of the Conservator nor the activity of the Conservatorship Account located at Peoples Bank,

Minute Book G-8 Page 00298

**00221**

## **RECORD EXCERPT 25**

# MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

660 North Street, Suite 104  
Jackson, Mississippi 39202

**RECEIVED**

TELEPHONE  
(601) 380-1273  
FAX  
(601) 384-6277

MAY 03 2013

## PLEASE NOTE

MISSISSIPPI COMMISSION  
ON JUDICIAL PERFORMANCE

In accordance with Section 177A of the Mississippi Constitution of 1890, all proceedings before the Mississippi Commission on Judicial Performance are confidential unless and until the Commission files a recommendation for discipline or retirement with the Mississippi Supreme Court. Confidentiality shall attach upon the filing of the complaint and shall include all records, files, and reports of the Commission.

### I. PERSON MAKING COMPLAINT:

Name: Newsome, Marilyn, \_\_\_\_\_  
(Last) (First) (Middle)  
Address: 178 Coats Rd, Mc Olive, 39119  
(Street, No., Route) (City) (Zip)  
Telephone No.: 601 382-8766  
(Area Code)

### II. PERSON AGAINST WHOM COMPLAINT IS MADE:

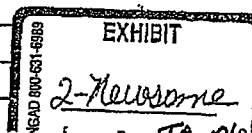
Name: Shoemaker, John, David  
(Last) (First) (Middle)  
Address: P.O. Box 1678, Collins, 39428  
(Street, No., Route) (City) (Zip)  
Judicial Office Held: Chancery Judge Post 1, 15th District

### III. ALLEGATIONS AND STATEMENT OF FACTS:

Please state the facts and circumstances which you believe constitute judicial misconduct or disability. Include any details, names, dates, places, addresses, and telephone numbers which will assist the Commission in its evaluation and investigation of this complaint. Also include any documentation you may have.

See attached Allegations and  
Statement of Facts.  
Also see the documents and transcripts  
attached to the Complaint filed against  
Judge Joe Dale Walker.

— Continued On Reverse —



TO Newsome Depo Clerks Report  
131-134

If additional space is required, continue on additional pages as needed and attach them to this complaint.

IV. I certify that the allegations and statements of fact set forth above are true and correct to the best of my knowledge, information and belief and are made of my own free will.

5-2-13

( Date )

<sup>8</sup>  
Marilyn NewSome

( Complainant's Signature )

## ALLEGATIONS AND STATEMENT OF FACTS

My name is Marilyn Newsome. I am the mother of Victoria Denise Newsome. My daughter, Victoria was seriously injured when she was deprived of oxygen at the Magee General Hospital while undergoing a medical procedure.

She is now permanently injured and has to have 24/7 personal care.

John Cooke, an attorney out of Greenwood, Mississippi represented us in this claim and he also has information that is relevant to this Complaint.

My Complaint against Chancery Judge Joe Dale Walker and Chancery Judge David Shoemake is that the conservatorship was set up before Judge Joe Dale Walker for my daughter, Victoria Denise Newsome with me appointed as the Conservator.

Even without my input or permission, Judge Joe Dale Walker appointed Keely McNulty, his personal friend to represent me and as a "Guardian Ad Litem" in this case.

Many Petitions were filed before Judge Walker for fees and expenses without giving notice to me and without any hearings and funds were approved and paid by Keely McNulty's brother-in-law, Chris Dunn as Peoples Bank, directly to Keely McNulty and not to me as the Conservator. I never authorized or approved probably 95% of the expenses in this case until I went to Mr. Terrell Stubbs, of Mendenhall, Mississippi.

I went to Mr. Stubbs after I had been sued by Ms. McNulty in this case, even though she was appointed without my authority and on the Court records was acting as my attorney. I told Mr. Stubbs that something was going on in this case that was really bad and that I needed his help. He agreed to help me and is the only attorney in this area that has stood up for me and my family.

Initially, we wanted to buy a small house in the Magee, Mississippi area for my daughter, Victoria and have it retrofitted to be handicap accessible. Judge Walker refused to do that and instead ordered that we buy property and build a new house for Victoria.

When it came time to build a new house, for some reason this case was transferred to Judge David Shoemake, who took the alleged bids on the house.

C-Construction got the bid. However, I was never notified of any other bids, if any.

When I went to Mr. Stubbs, I found out that C-Construction was actually Chad Teater, who is Judge Walker's nephew.

After the bids were taken by Judge Shoemake, the case was transferred back to Judge Walker and he over saw the expenses of the building, which was again done without my input or permission and without me signing hardly any petitions or any checks.

The house was built by Judge Walker's nephew. The total costs of everything exceeds \$500,000.00. It was of poor construction. We believe that it doesn't have any insulation in it. Now we are forced to pay extremely high utility bills and other expenses every month, which we will not have enough funds to continue to do that. There is currently left in the conservatorship account approximately \$170,136.37 as of May 1<sup>st</sup>, 2013, which is on deposit in the Trust Fund of John Cooke in Greenwood, Mississippi and about \$500,000.00 or so dollars in the Special Needs Trust handled by Richard Courtney.

The Special Needs Trust funds can only be used for certain expenses and we are going to run out of money to pay expenses on the house that we did not need. On top of that, no contracts were ever signed by me as Conservator. Even though a bid was supposedly taken, Mr. Teater also received consulting fees and other expenses, including reimbursement for materials that he lost on the job. Ms. McNulty filed a petition for him to be paid and attached his Affidavit that he said the materials had come up missing from his job site. Judge Walker quickly signed an Order directing that the sum of \$20,000.00 plus dollars be paid from my daughter's conservatorship monies to Chad Teater. Even though there was no responsibility whatsoever for her or me in the disappearance of these materials.

Since Mr. Stubbs has gotten involved in this case things have gotten some better even though Judge Walker continues to give us a difficult time, including Mr. Stubbs. Judge Walker and Judge Shoemake just recently hired Keely McNulty as their law clerk to try to protect her. She is no longer in private practice. (1)

After Mr. Stubbs got involved in this case and immediately pointed out and discovered all the problems in this case, Judge Walker and Judge Shoemake began to work together to try to go back and file orders nunc pro tunc and other petitions without notice to either me or Mr. Stubbs. This conduct by Judge Walker and Judge Shoemake is outrageous and they should both be removed from office. (2)

My oldest daughter, LaTosha also signs this Petition as a witness. John Cooke, Richard Courtney and Leigh Leverett are also witnesses to these actions.

Also I am attaching a copy of the Court filings as well as the transcript of the cross-examination of Keely McNulty by my attorney, Terrell Stubbs at hearings held on April 19<sup>th</sup>, 2012 and on May 24<sup>th</sup>, 2012 in Monticello and on October 29<sup>th</sup>, 2012 in Raleigh.

What has been done to my helpless daughter, Victoria, by Judge Walker and Judge Shoemake is outrageous.

Marilyn Newsome  
MARILYN NEWSOME

5-2-13  
DATED

LaTosha Newsome  
LATOSHA NEWSOME

5-2-13  
DATED

## **RECORD EXCERPT 26**



Subject: Newsome  
From: Keely R. McNulty (keelymcnulty@yahoo.com)  
To: shoe6651@bellsouth.net;  
Date: Monday, August 1, 2011 2:09 PM

Honorable Judge Shoemaker:

It was a pleasure seeing you this morning. I forgot to request a signed copy of the Newsome Order approving the bid for construction of the ward's home, which was signed on July 22. I have not yet received the signed original in the mail, and the faxed copy did not have your signature. If you would, please fax a copy to the number below. I would greatly appreciate it. And thank you for your assistance with this case.

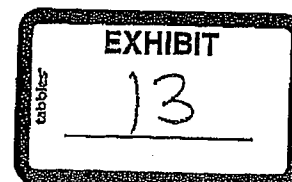
Sincerely,

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: **(601) 849-4122**  
keelymcnulty@yahoo.com

Teresa Myers,  
Legal Assistant  
tess7189@yahoo.com

**CONFIDENTIALITY NOTICE:** This email may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you received this email in error, please delete it from your system without copying it and notify the sender by reply email so that our address record can be corrected.

*Please consider the environment before printing this e-mail.*



## **RECORD EXCERPT 27**

*Sept 26*  
*Return Date*

**LAWRENCE COUNTY DOCKET**  
**JULY 2011 TERM**

David Shoemaker, Chancellor

Monday, July 25<sup>th</sup> Tuesday, July 26<sup>th</sup> Wednesday, July 27<sup>th</sup> Thursday, July 28<sup>th</sup>

<p>Exparte: 9:00 None Docket Call 9:30</p> <p>1) L14-097 Ronnie Thames vs. Lisa Carol Thames (Review of Child Support) Attys: Albert Turnage Set at docket call on 3/07/11</p> <p>2) L12413 Debbie Jackson vs. Gary Daughdrill (Review of Child Support) Attys: April Taylor Set 3/07/11</p> <p>3) L2009-0178-1 Alice Harvey &amp; Kevin Stamps vs. Jamie B. Russell &amp; Eddie Russell (Mtn. For Summary Judgment) Attys: Bill Baerner &amp; Renee Porter</p> <p>4) L2008-0152 Tobin Nations vs. Christina Nations (Mtn. Reduction of Child Support) Attys: Renee Porter &amp; Danny Smith Set 3/08/11 Needs 8.05s</p> <p>5) L2011-0074-1 Re Matter of Rhyen Herley Cobbs, a minor (Paternity Petition) Attys: Sam Joiner Set 3/11/11</p> <p>6) L2009-0174 Dimitri Thames vs. James A. Spende (Trial set by Edwards) Attys: Jamie Edwards</p>	<p>Exparte: 9:00 None Docket Call 9:30</p> <p>1) L2009-0015 Brandi Wilson vs. James B. Wilson (Mtn for Contempt &amp; Modification Rule 81 Summons) Attys: Gary Honea Set 4/11/11</p> <p>2:00 o'clock Covington County Committal</p>	<p>Exparte: 9:00 <i>Oct 30</i> 1) Kevin Davis Attys: Thomas Waller Docket Call 9:30 <i>May</i></p> <p>1) L2008-0090 Matter of Estate of Grace Kelton Schwanzauer (Mtn. To Close Estate) Attys: Terrell Stubbs &amp; John Sutton Set 1/25/11</p> <p>2) L2003-0141 Yolanda Reid vs. Richard Reid (Try/Dismiss) Attys: Renee Porter &amp; Ronald Whittington Notice sent 4/11/11</p> <p>3) S2011-0216 Donald Rankin, Jr. vs. Cassi Vining Rankin (Divorce Rule 81 Summons) Attys: Terrell Stubbs Set 5/31/11</p> <p>4) L13,645 Susan S. Barras vs. Felix Barrett (Trial continued by Order on 6/07/11) Attys: Jamie Edwards Set 6/07/11</p> <p>5) L2011-0117 Alice Martin vs. Gerald Martin, Jr. (Mtn to Remove Counsel reset for trial on 6/02/11) Attys: Jamie Edwards &amp; Renee Porter Set 6/20/11</p> <p>6) L2008-0152 Tobin Nations vs. Christina Nations (Mtn. Reduction of Child Support) Attys: Renee Porter &amp; Danny Smith</p>	<p>Exparte: 9:00 None Docket Call 9:30</p> <p>1) L2003-0201-1 Krishna A. Mikell vs. Morris A. Mikell (Contempt Child Support &amp; Modification Child Support Rule 81 Summons) Attys: M. Judith Barnett Set 2/24/11 at docket call, M'hall 1.0 hr</p> <p>2) L2010-0099 21" Century North America Co. Vs. Glory Price (Trial) Attys: Jeremy Hawk &amp; John Anderson Set 3/07/11</p> <p>3) L2011-0094-P1 Samuel Campbell vs. Sharon D. Wheeler (Complaint for Annullment or Divorce Rule 81 Summons) Attys: Jason Barrett Set 4/08/11</p> <p>4) L2008-0156 Shannon Calcote Young vs. Charles Young (Try/Dismiss) Attys: John Sutton &amp; Terrell Stubbs Notice Sent 4/11/11</p> <p>5) L2011-0002-1 James Stanley Williams vs. Amanda Hollingsworth (Trial) Attys: Ivan Burghard &amp; Joe Fernald</p>
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*cat. 10*  
*11/8/11*  
*trial call*

*conceded*  
*will probably*  
*dismiss contempt*  
*Read either party*  
*non app*  
*GAC (April)*

*Confusion*  
*Readers*  
*Mtn Reduction of Child Support*  
*Mtn Renee Porter*  
*Danny Smith*

LAWRENCE COUNTY DOCKET  
JULY 2011 TERM

David Shoemake, Chancellor

Monday July 25<sup>th</sup>

Tuesday July 26<sup>th</sup>

Wednesday July 27<sup>th</sup>

Thursday July 28<sup>th</sup>

7) L2006-0158 Brandon  
W. McGee vs. Kristen  
McGee (Try/Dismiss)  
Attys: David Garner &  
Thomas Tullos  
Notice Sent 4/11/11

8) L2007-0059 Euel &  
Boyles vs. Christy Boyles  
& Sons (Try/Dismiss)  
Attys: Ivan Burghard  
Notice Sent 4/11/11

9) L2010-0133 Charles  
Stokes vs. Cindy Stokes  
(Try/Dismiss)  
Attys: Pro/Se  
Notice not sent no  
address on parties in  
court file

10) L2010-0160 Lisa M.  
Preston vs. Charles Preston  
(Try/Dismiss)  
Attys: Richard Grindstaff  
Notice Sent 4/11/11.

~~Ordination  
to all  
Damon  
older  
attest  
to~~  
4) S2010-0515  
Estate of L.T. &  
Lana A. Bern  
Pet for Liquidate  
Assets

~~Attys: Damon  
Retard  
Set 7-22-11~~

~~7) S2010-0152  
Estate of Meeks  
Pet to open  
Miller Estate  
Attys: Randy Pope  
Set 7-26-11~~

~~8) S2010-0462  
Estate Bullock  
Home L  
Decedent  
Pet for  
Approval of  
Settlement  
Attys: John Sutton  
Set 7-26-11~~

6) L2011-88 Matter of  
Estate of Mary Suela  
Bante (Pet for  
Determination of  
Heirs)  
Attys: R. David  
Marchetti  
Set 5/13/11

7) L2011-0108 DHS  
vs. Jimmy W. Johns  
(Mtn. For Relief of  
Judgment)  
Attys: Courtney  
Cockrell  
Set 5/20/11

8) S2009-0506  
Doishie Rose Turnage  
vs. Franklin Bo  
Turnage (Trial 1 hr)  
Attys: Terrell Stubbs  
& April Taylor  
Set 5/24/11

9) L2010-0066  
Spoights vs. Speights  
(Trial)  
Attys: Jamie Edwards  
& Joseph Durr  
Set 6/02/11

10) L2009-0228  
Lindie Miller vs. Gary  
Doyle Rayborn &  
Barbara Rayborn  
(Trial continued from  
6/08/11)  
Attys: John Sutton &  
Ivan Burghard  
Set 6/08/11

11) S2010-0465  
Estate of Roy Sandifer  
(Mtn to Have Terrell  
Stubbs Withdraw)  
Attys: Aleita Sullivan,  
Terrell Stubbs &  
Kannan Stubbs

*Handwritten notes:*  
Cof...  
Ivan...  
5/10/11  
Dis...  
Set 7-26-11  
Stokes  
Dis...  
Set 7-26-11  
Ad...  
En...

*Handwritten note:*  
Matter Withdraw

*Handwritten note:*  
P.A.S.

Bro. Stevens 8/11/11  
LIBERTY B818 56226

Judge

COVINGTON COUNTY CHANCERY COURT

AUGUST 2011 TERM

JUDGE DAVID SHOEMAKE, POST 1

Monday 1<sup>st</sup>

Tuesday 2<sup>nd</sup>

Wednesday 3<sup>rd</sup>

Thursday 4<sup>th</sup>

<p>Ex parte: 9:00</p> <p>1) S2003-34171 Matter of Marina Bren. (Pet. To Withdraw Funds) Atty: Keely McNulty Set 7/05/11</p> <p>2) C2011-0448 Torenda Joyce Allen McKee &amp; Husband, Robert Tyler McKee, Anthony Jordan (Pet. For Adoption) Atty: Scott Buffington Set 7/12/11</p> <p>3) C2011-146 Amy M. Hopson &amp; James E. Hopson Atty: Keleigh Sullivan Set 7/25/11</p> <p>Docket Call 9:30</p> <p>1) C2012-0051 Memorie K. Yagg vs. Nathan Page (Trial or Dismiss Notice sent 5/10/11) Atty: Christopher Farris Set 5/09/11</p> <p>2) C2009-0334 Cassie E. McRaney Temple vs. Ryan P. McRaney (Trial or Dismiss 2<sup>nd</sup> Notice sent 5/10/11) Atty: Todd Parson Set 5/09/11 if no show dismiss</p>	<p>Ex parte: 9:00</p> <p>1) C8469 Anthony Burkett Conservatorship (Pet to Appoint Conservator) Atty: Matt Alljston</p> <p>Docket Call 9:30</p> <p>1) C2011-076-P1 Matter of LWT of Gerald A. Padgett (Pet to Close Estate) Atty: Carrie Varnado Set 5/25/11</p> <p>2) C2011-025 Daphne Lott vs. Thomas Randall Lott (Trial of Divorce) 1 hr approximately Atty: Mike Rathiff &amp; Harry Lott Set 6/21/11</p> <p>3) JD2011-0141 Walter Johnson vs. Elizabeth Jean Carson Johnson (Divorce Rule 81 date) Atty: Scotty Buffington Set 6/28/11</p> <p>4) S2010-0487 Trisca Elaine Brantley vs. Kevin Dewayne Brantley (Complaint for Divorce Trial) Atty: Wesley Broadhead &amp; Curtis Hayes Set 7/05/11</p>	<p>Ex parte: 9:00</p> <p>None</p> <p>Docket Call 9:30</p> <p>1) C447-A In the Adoption of Trinity Samaria Banks (Adoption consented) Atty: Melba House &amp; Percy Watson Set 5/09/11</p> <p>2) L2011-0011-1 Matter of Estate of Thomas H. Rogers, Paul Rogers Petitioner (Pet for Reimbursement Executor) Atty: Joe S. Deaton &amp; William Boerner Set 7/12/11</p> <p>3) L2009-0052 DHS vs. Burrell Wesco (Modification of Child Support) Atty: Shakita Taylor Set 7/12/11</p> <p>4) C2011-154 Michelle D. Moore vs. Demore A. Graves (Paternity continued from 7/18/11 Rule 81 date) Atty: Scotty Buffington Set 7/18/11</p> <p>5) S2010-0428 LWT of Shervie W. Rutland (Pet to Close Estate) reset from 7/20/11 to get all waivers signed Atty: Danny Welch Set 7/20/11</p>	<p>Ex parte: 9:00</p> <p>None</p> <p>Docket Call 9:30</p> <p>1) JD2009-0229 Estate of Preston Brown Jr, Deceased (Pet to Determine Heirs) continued from 6/01/11 Atty: Oby Rogers Set 6/01/11</p> <p>2) C2011-019 Conservatorship of Cassie Shantel Gatlin (Close Conservatorship) Atty: Oby Rogers Set 6/21/11.</p> <p>3) Sm09-10 DHS vs. Mangus McCray, Jr. (Mtn to Modify Rule 81 date continued from 6/25/11). Atty: John N. Snatcher Set 6/22/11</p> <p>4) Sm2010-07AD Adoption Jayson Todd Lupo &amp; Yora Elizabeth Lupo for Adoption of Emma Grace Watts Atty: Pamela Hancock Set 6/28/11.</p> <p>5) JD22-0116 Charles Ellis May Jr. (Amended Pet Name Change Rule 81) Atty: John Houston</p>
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EXHIBIT

8

COVINGTON COUNTY CHANCERY COURT  
AUGUST 2011 TERM

JUDGE DAVID SHOEMAKE, POST 1

Monday 1<sup>st</sup>

Tuesday 2<sup>nd</sup>

Wednesday 3<sup>rd</sup>

Thursday 4<sup>th</sup>

ORDER

<p>3) C2009-0141 James Graves vs. Wilene Graves Try or Dismiss notice sent 5/10/11 Attys: Lin Carter (who withdrew per Ashley in his office) &amp; Shirley Baldwin Set 5/09/11</p>	<p>5) C2011-129 Benson vs. Benson (Complaint for Divorce) Def. Out of State process served via Registered Mail &amp; publication Attys: Dan McIntosh Set 7/15/11</p>	<p>6) C2011-180 Matter of Bailor Nicole Polk, a Minor (Pet for Appointment of Guardian) Attys: Joey Fillingane Set 7/21/11</p>	<p>6) S99-063 DHS vs. Tavares Leavy vs. Marsha Mickel (Mtn for DNA &amp; Mtn to Suspend Visitation) Rule 81 Attys: Monique Brown Barrett Set 7/14/11</p>
<p>4) C2007-0189 Daphney Leggett vs. Lonnie Leggett Try or Dismiss notice sent 5/10/11 Attys: L. Abraham Rowe, Jr. Set 5/09/11</p>	<p>6) S2010-118 Josh Green vs. Meagan Pickler (Trial) Attys: Wesley Broadhead, Jason Hadley Set 7/18/11</p>	<p>7) C2011-0246 Jesse Butler vs. Dawn Butler Dispute Resolution Committee Attys: Mary Burman, Mark Turner Set 7/18/11</p>	<p>7) S2010-0446-P Adarius Adams Minor Settlement (Pet to Settle Small Claims) Attys: Gerald Kuchia Set 7/18/11</p>
<p>5) C2011-073 Joel &amp; Tammy McBeth vs. Jerry Brewer, Clinton Stewart &amp; unknown (Paternity) continued from 5/12/11 to allow GAL to do report Attys: Stacy Sims Set 5/12/11</p>	<p>7) C2002-270 Matter Dissolution of Marriage Timothy Dale Bryn &amp; Sandra Gayle Bryn (pet to emancipate) Attys: Joseph Turner Set 7/18/11</p>	<p>8) S2009-094 June Barrett vs. Consuelo Attys: Mary Burman Conference 11:30 AM Court Meeting</p>	<p>8) Sm2006-0093 Pamela Dewey Weeks vs. Stanley Weeks (Trial on Merits continued from 7/19/11) Attys: Chris Hennis &amp; Sam Creel Set 7/19/11</p>
<p>6) C2011-106 Tammy White Beasley vs. Robbie Russell Beasley (Mtn to Withdraw Grounds) Attys: Stacy Sims Set 5/25/11</p>	<p>7) S2011-0141 Dissolution of Marriage of Rebecca Suzanne Rials &amp; Joshua Hall (ID Divorce) Attys: Nancy Steen Set 6/14/11</p>	<p>9) ND2007-0107 DHS vs. Calvin Keys (Pet to Terminate Child Support) Attys: Aetha Shaw Milton &amp; Shakita Taylor Set 7/25/11</p>	<p>9) ND2007-0107 DHS vs. Calvin Keys (Pet to Terminate Child Support) Attys: Aetha Shaw Milton &amp; Shakita Taylor Set 7/25/11</p>
<p>8) C2009-024 Cheri Norris vs. Jerry Norris (Contempt &amp; Modification) Rule 81 date Attys: Reggie Blackledge Set 6/24/11</p>			

Dismissed  
continued

Expanded  
and  
ment  
Trial  
order  
Dismissed

Ready

after  
Not a final  
Ready  
3/14/19 1/4  
after  
after

Continued

COVINGTON COUNTY CHANCERY COURT  
AUGUST 2011 TERM

JUDGE DAVID SHOEMAKE, POST 1

Monday 1<sup>st</sup>

Tuesday 2<sup>nd</sup>

Wednesday 3<sup>rd</sup>

Thursday 4<sup>th</sup>

<p>9) S99-0127 Nicky Sims vs Alundka Sims (modification Rule 81 date) Attys: Mary Burnham Set 6/26/11</p> <p>10) C2011-172 Dana Burnham vs. Matthew Burnham (Divorce Reset from 7/18/11) Attys: Aleita Sullivan &amp; Dave Purnford Set 7/18/11</p> <p>11) JD2011-0111 Kenneth Auston vs. Regions Bank et al (Trial on merits for preliminary injunction) continued from 7/19/11 Attys: Scotty Buffington, Scott Phillips &amp; Bill Little Set 7/19/11</p> <p><del>Case on...</del> <del>Kelley Smith</del></p>	<p><i>Control</i></p> <p><i>Keying by</i></p> <p><i>Prel Hays</i></p>		
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*Adoption*  
*Rhodes Adoption*

Return Date

4-16-12

JEFFERSON DAVIS COUNTY CHANCERY COURT

January 2012

JUDGE DAVID SHOEMAKE, POST 1

Monday 23<sup>rd</sup>

Tuesday 24<sup>th</sup>

Wednesday 25<sup>th</sup>

Thursday 26<sup>th</sup>

Exparte: 9:00	Exparte: 9:00	Exparte: 9:00	Exparte: 9:00
None	None	1) JD2011-0234 Kevin Glenn Saulters & Britny Lee Saulters (ID Diverce no children) Attys: Pro-Se Set by Britny on 1/03/12	None
Docket Call 9:30	Docket Call 9:30	Docket Call 9:30	Docket Call 9:30
1) JD 2010-0059 Shirley M. Rhodes vs. Ja Quilla Barnes (Partition of Land continued from 9/08/11) Attys: April Taylor Set 9/08/11	1) JD324 & 325 Mattenox Adoption of Minor (Pet for Adoption) Attys: Scotty Buffington Set 11/03/11	1) JD2011-0001 US Bank National Asso. Vs. Michael Ball et al (Mtn for Default Judgment) Attys: Jana Manlove Set 11/08/11	1) L2006-158-1 Kristen e. McGee vs. Brenda W. McGee (Complaint TPR) Attys: Bob Evans & Brandon McGee (Pro-se) Set 11/28/11
2) C02-281 Matter of Guardianship of Stephanie Christine Little, A minor and Christopher David Little, a minor by and through Steven A. Little, Father (Pet to Approve Accting & to Close Guardianship) Attys: Joey Songy & Oby Rogers Set 12/06/11	2) C99-063 DHS vs. Tavares Leavy (Child Support) Attys: Susan Lusher Monique Brown Barrett & Harry Lane Set 11/01/11	2) JD2002-0230-1 DHS vs. Manuel Herron (Child Support) Attys: Susan Lusher Set 12/14/11	2) S2011-0255-1 Deutsche Bank vs. Juanita Newsome (Mtn for Default Judgment) Attys: Eric Miller Set 1/10/12
3) JD2011-0246-P1 Birch Bankston & Debra Bankston vs. Brittany M. Alford & Michael Alford (Pet for Grandparent visitation rights Rule 81 Summons) Attys: Joseph Burr & Brady Kellum Set 12/07/11	3) ID9305-1 DHS vs. Marrell Addison (Child Support) Attys: Susan Lusher Set 11/10/11	3) JD2011-0115 Estate of James S. Watts, Deceased (Pet to close Estate) Attys: Gerald Martin Set 1/18/12	3) S2006-0472 Ryan McCool vs. Rebecca McCool Tuten (Mtn for Modification of Judgment of Prior Divorce & Emergency Hearing Rule 81 Summons) Attys: Douglas Magee Set 1/18/12
4) L2010-0143 Darryl Reid vs Jennifer Ladewig et al (set by Robert Evans) Attys: Robert Evans & John R. Davis, Jr. Set 1/17/12	4) JD2007-122-1 DHS vs. Marcus Frances (Child Support) Attys: Susan Lusher Set 11/10/11	4) L2005-00317 Gabriel Brister Minor Jessica Brister Guardian	
5) JD2011-0239 Guardianship of Dominique La'Tricia Owens a minor (Pet for Authority to Deposit Funds) Atty: Carol Jones Set 1/17/12	5) JD2001-0269-1 DHS vs. Troy L. Magee (Child Support) Attys: Susan Lusher Set 11/10/11	5) L2000-203 Nikita Jackson vs. George A. Irvin (Citation for Contempt) Set by agreement Attys: Bob Evan & Amy Stanfield Set 11/28/11	

EXHIBIT

9



JEFFERSON DAVIS COUNTY CHANCERY COURT

January 2012

JUDGE DAVID SHOEMAKE, POST-1

Monday 23<sup>rd</sup>

Tuesday 24<sup>th</sup>

Wednesday 25<sup>th</sup>

Thursday 26<sup>th</sup>

<p>6) JD2011-0240 Guardianship of Jeronice Keys a minor (Pet for Authority to Deposit Funds) Atty: Carol Jones Set 1/17/12</p>	<p>7) L2009-0038 Atty: Gary Rayborn &amp; Barbara Rayborn (Pet for Custody) Atty: John Burghard John Sutton &amp; April Taylor GAL Set 12/28/11</p>		
<p>7) JD2011-0241 Guardianship of James Washington Jr., a minor (Pet for Authority to Deposit Funds) Atty: Carol Jones Set 1/17/12</p>	<p>8) JD2011-0223 Margie Bridges vs. Chester Lee Bridges (ID Divorce w/children) Atty: Anita M. Stamps Set 1/03/12</p>		
<p>Try/Dismiss 8) JD2008-0178 Mary Dale Wasson (T/D) Atty: Paul Rogers Notice Sent 9/15/11</p>	<p>9) S2011-0512 Wendy Sandifer vs. Marvin Sandier (Complaint for Divorce, Discovery, Mtn for Temporary Relief Rule 8 Summons) Atty: Robert S. Lingold Set 1/03/12</p>		
	<p>12) Y2011-0178 Johnny Grimes vs. Beth A. Herring (Complaint to Determine Custody Rule 81 Return Date) Atty: Jamie Edwards Set 08/26/11</p>		

Attys Jeff Vance vs. Jacinda Reed  
Set 1/9/12 Rule 81  
Continue Date

JD 2011-0249 Tammy McLeod  
Attys Greg Austin vs Robert Thompson  
Set 1-05-12 Mtn for Temp Child Support  
Rule 81

## **RECORD EXCERPT 28**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

**FILED**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

APR 24 2012

CAUSE NO: 2010-0146 P2

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

PETITION FOR APPROVAL OF CONTRACTOR

COMES NOW Marilyn Denise Newsome, Conservator of Victoria Newsome, and moves the Court for approval of a Contractor and funds to be placed in the Conservatorship Account for the construction of a house, and would show unto the Court the following:

1. That per the Order entered by this Court, dated June 8, 2011, a minimum of four (4) bids were to be obtained to build the permanent home for Victoria Newsome. Five (5) bids were obtained and their bids are attached hereto as Exhibits "A"-"E".
2. That C.T. Construction submitted the lowest bid in the amount of \$273,075.14 as shown on Exhibit "A" attached hereto. Furthermore, this company has a good reputation, satisfied customers, and high-quality workmanlike skills which would be in the best interest of Petitioner.
3. That the sum of \$273,075.14 be placed in the Conservatorship Account (Account Number: 3381050, located at Peoples Bank in Magee, Mississippi, in the name of Victoria Denise Newsome by Marilyn Denise Newsome) for the construction of the permanent residence of Victoria Newsome, and the Conservatorship to be authorized to pay the monthly invoices submitted by C.T. Construction for work completed.
4. Petitioner requests this Court to authorize payment unto Designers II, Betsy Morrow, LLC in the amount of \$2,700.00, to be placed in the Conservatorship Account, for the design of the house plans and 8 copies of plans which were disbursed to builders to obtain bids. Please see invoice attached hereto as Exhibit "F".

5. That the sum of \$5,000.00 be placed in the Conservatorship Account for payment of certain utility deposits, a security light, monthly utility payments and upkeep on the residence pursuant to further Order and approval of the Court.
6. That the sum of \$\_\_\_\_\_ shall be deposited in the Conservatorship Account for the payment of Keely R. McNulty, Attorney at Law, PLLC for legal services rendered for the benefit of Victoria Newsome related to the facilitation and execution of all matters pertaining to the construction of her permanent residence as well as the setup and upkeep of the mobile home as her temporary residence. Please see Itemized Statement attached hereto as Exhibit "G".
7. The total to be placed in Conservatorship account shall be \$\_\_\_\_\_.

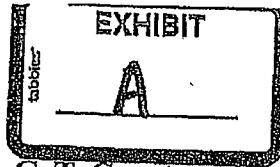
WHEREFORE, PREMISES CONSIDERED, Petitioner requests the Court to approve C.T. Construction as the contractor to build Victoria Newsome's permanent residence, for permission to transfer the requested funds to the Conservatorship Account, and for authority to utilize said funds for the payment of the abovementioned expenses.

Respectfully submitted,

Keely R. McNulty  
Keely R. McNulty, Esq.  
Attorney for Petitioner

Prepared and Presented by:

Keely R. McNulty  
Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314



**C. T. Construction**  
**Chad Teater, Builder**  
**601-622-7725**

Newsome Residence		
Cost Projection	Projected	Actual
Compaction Test	500.00	
Dirtwork:	6,680.00	
Pest:	750.00	
Foundation Labor:	8,480.00	
Foundation Material:	2,845.00	
Concrete:	11,042.40	
Framing:	26,500.00	
Electrical:	10,431.00	
Plumbing:	10,250.00	
Tubs,Sinks,Faucets,HW Heater	9,497.00	
HVAC:	12,150.00	
Roofer:	3,200.00	
Roofing:	6,500.00	
Sheetrock:	5,100.00	
Sheetrock Labor:	6,092.00	
Insulation:	4,000.00	
Windows and Doors:	6,300.00	
Trim Labor:	10,116.00	
Paint:	12,810.00	
Light Fixtures	3,325.00	
Fireplace:	1,100.00	
Flooring:stained concrete,tile	12,995.00	
Appliances:	6,000.00	
Mirrors and Accessories:	2,400.00	
Materials(Framing and Trim)	44,312.11	
Countertops:	3,900.00	
Cabinet Doors:	2,700.00	
Hardware/Pulls:	3,000.00	
Brick:	9,000.00	
Brick Labor:	7,300.00	
Vinyl Siding:	6,100.00	
Treatment Plant:	2,200.00	
Driveway/Sidewalks:	4,099.63	
Gutters:	2,400.00	
Fee:	30,000.00	
Landscaping	2,500.00	
Total:	296,575.14	

Cost Projections are estimates only and are subject to change:

DESCRIPTION OF MATERIAL

ALL ALLOWANCES INCLUDE SALES TAX

PROPERTY ADDRESS Coats Road

CONTRACTOR/BUILDER CT Construction, Chad Teater

1. EXCAVATION:

Bearing soil, type: Red sand or equal

2. FOUNDATIONS:

Footings, concrete mix Ready-mix Strength PSI 3500 Reinforcing  
ermite protection Bonded Soil Treatment

Additional information: \_\_\_\_\_

3. FIREPLACES:

Type: solid fuel X gas burning circulator

Ash dump/cleanout

Fireplace: facing Ceramic Tile lining hearth Brick mantel Wood

Additional information: \_\_\_\_\_

4. EXTERIOR WALLS:

Brick Sills Lintels

Door Sills Brick Window sills Brick Lintels

Additional information: \_\_\_\_\_

Exterior painting Vinyl No of coats 2

Additional information: Exterior -Brick-Allowance 325.00 per thousand on brick and 9.00 per bag on mortar

5. FLOOR FRAMING:

Joists: wood, grade and species \_\_\_\_\_

Concrete slab: X first floor; X ground supported; self-supporting; mix 3500 4" thickness

Fill under slab: material \_\_\_\_\_

Additional information: \_\_\_\_\_

FINISHED FLOORING:

Foyer Ceramic Tile \$4.50 per sqft

Dining Ceramic Tile \$4.50 per sqft

Great room/ Den Ceramic Tile \$4.50 per sqft

Kitchen Ceramic Tile \$4.50 per sqft

Utility Ceramic Tile \$4.50 per sqft

Master Bedroom Ceramic Tile \$4.50 per sqft

Master Bath Ceramic Tile \$4.50 per sqft

Remaining Bedrooms Stained Concrete \$2.00 per sqft

Remaining Baths Stained Concrete \$2.00 per sqft

EXTERIOR FLOORING:

Front Porch Broomed Concrete Rear Porch Broomed Concrete

Miscellaneous \_\_\_\_\_

PARTITION FRAMING:

Studs: wood grade and species Construction grade to spec  
Size and spacing 2"x4" 16"O.C.

CEILING FRAMING:

Joists: wood grade and species Construction grade pine  
Size and spacing 2"x8" 24"O.C.

ROOF FRAMING:

Rafters: wood, grade and species Construction grade pine  
Size and spacing 2" x6" 24"O.C.

ROOFING:

Sheathing: wood grade and species 1/2" Techshield foil back  
Roofing Asphalt Type Archit  
Underlay Felt Weight 15lb Fastening  
Flashing Metal 26 gauge weight  
Additional information

LATH AND PLASTER:

Dry-wall X walls; ceilings; materials Sheetrock thickness 1/2"  
Finish tape, float, sand and paint

DECORATING (PAINTING/WALLPAPER):

Kitchen/Breakfast 2 coats paint  
Bathrooms 2 coats paint  
Other 2 coats paint  
Ceiling finish material and application Light Stipple  
Additional information

INTERIOR DOORS AND TRIM:

Doors: type 6 panel material Masonite  
Door trim: type and material 399 Base: type and material 4 1/4  
Crown Moulding: Master Bedroom, Dining, Kitchen, Living and foyer  
Finish: doors Paint other trim Paint  
Additional information

WINDOWS:

Type Single hung Make \_\_\_\_\_ Material Metal  
Glass: grade \_\_\_\_\_ Trim: type and material 399  
Screens: yes  
Additional information

ENTRANCES AND EXTERIOR DETAIL:

Entry Door: material Wood Width 36" Frame material  
Other entry doors: material Metal Width 36" frame material  
Shutters: Front of house Railing \_\_\_\_\_ Columns Permacast Wood Job Built  
Attic louvers \_\_\_\_\_ Paint \_\_\_\_\_ No of coats \_\_\_\_\_  
Exterior Millwork Fir  
Additional Information

CABINETS AND INTERIOR DETAIL:

Kitchen cabinets Birch Job Built  
Utility room cabinets Birch Job Built  
Den cabinets

Other cabinets \_\_\_\_\_  
Finish of cabinets Paint Countertops in kitchen Ceramic Tile  
Remainder of countertops Ceramic Tile  
Additional information \_\_\_\_\_

**BATHROOM WAINSCOTING AND ACCESSORIES:**

Wainscoting material surrounding tub Ceramic Tile  
Bathroom sinks and countertops Standard sinks  
Allowance for bathroom mirrors and accessories \$2400.00

**PLUMBING FIXTURES:**

Master tub Remaing tubs Acrylic Unit  
Allowance on plumbing fixtures, to include tubs, faucets, sinks, toilets, conversion kits, disposal and related parts \$9497.00  
Additional information Ceramic Tile shower in master

**HEATING AND COOLING:**

Type: Electric  
Other ventilating equipment \_\_\_\_\_

**ELECTRIC WIRING:**

Service: overhead X underground \_\_\_\_\_ Special outlets: Range Water heater Doorbell  
Additional information \_\_\_\_\_

**LIGHTING FIXTURES:**

Allowance \$3,325.00

**INSULATION:**

Type: R-30 ceiling

**MISCELLANEOUS:**

Prewire phone and cable TV outlets yes  
Deadbolts on all exterior doors yes  
Allowance for appliances 6,000.00  
Landscaping 2500.00

**HARDWARE:**

Cabinet hardware Total Allowance \$2,700.00  
Exterior doors included in above  
Interior doors included in above  
Drawer guides included in above  
Cabinet hinges included in above

**PORCHES/PATIOS:**

Type Broomed Concrete

**GARAGES:**

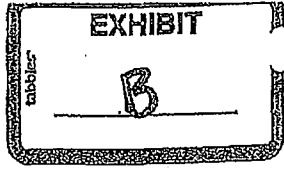
Type Open

**WALKS AND DRIVEWAYS:**

Type Concrete 5 foot wide from front door to garage - 24 x 30 concrete pad joining carport for turn around and gravel drive from turn around to coats road- 3,099.63



**Garrett Const. Co., Inc.**  
 Matt. 7:24-25  
 "For Quality Craftsmanship"  
 849-9690



**Proposal**

DATE	INVOICE #
6/29/14	

Anthony J. Garner  
 owner  
 149 May Road  
 Magee, MS 39111

Project address

DESCRIPTION	AMOUNT
<p>This proposal is For constructing a residential house with 3660 sq. Ft. heated and a total of 5160 sq. Ft. This will be a complete lock and key's price. \$95.<sup>00</sup> per Ft. heated and cooled.</p>	<p>\$347,700.<sup>00</sup></p>
	<p>Total \$347,700.<sup>00</sup></p>

HEATED SQ. FT. 3660  
 GARAGE 95  
 PORCH 550  
 TOTAL 5160

highlighted = allowance

		per sq. ft.					
2000	LOT PREPARATION	by owner	-				
2080	UNDERGROUND / Electrical		850.-				
2110	SEWER/WATER	by owner	-				
2140	TERMITE PROTECTION	21¢	1,085.-				
3000	CONCRETE	2.75	14,200.-				
3010	BUILDING PERMIT		-				
3020	CONCRETE PUMPING		1,200.-				
3030	BUILDERS RISK INSURANCE	by owner	-				
3040	ARCHITECT/DESIGN/BLUEPRINTS		-				
3060	FOUNDATION MATERIALS	65¢	3,350.-				
3070	POSTENSION SLAB	85¢	4,390.-				
3080	FOUNDATION LABOR + 1,200.- Ex	85¢	5,590.-				
3090	PLUMBING per 20 fixtures	925.-	18,500.-				
3100	CONCRETE FINISHING	45¢	2,320.-				
3110	STEEL/IRON		-				
3120	FRAMING MATERIALS	4.75	24,500.-				
3130	FRAMING LABOR	5.25	27,000.-				
3140	ROOFING MATERIALS/LABOR	1.85	9,550.-				
3150	WINDOWS per 16 windows	200.-	3,200.-				
3160	BRICK LABOR 25,000 brick + 1,500. Ex	350.-	10,250.-				
3170	HEATING/AIR CONDITIONING	3.28	12,000.-				
3180	ELECTRICAL	4.00	14,640.-				
3190	FIREPLACE LABOR		-				
3200	EXTERIOR DOORS 4 ext. + frt. Entry		4,200.-				
3210	SECURITY SYSTEM		-				
3220	INTERCOM SYSTEM		-				
3230	VACUUM CLEANER SYSTEM		-				
3240	INSULATION	95¢	3,500.-				
3250	SHEETROCK MATERIALS	95¢	3,500.-				
3260	SHEETROCK TAPE/BED	2.25	8,250.-				
3270	CERAMIC TILE Floor 3660 sq. ft.	6.50	23,790.-				
3280	TRIM MATERIALS	4.75	17,400.-				
3290	GARAGE DOOR		-				
3300	INTERIOR DOORS 24 ea. 8' doors	200.-	4,800.-				

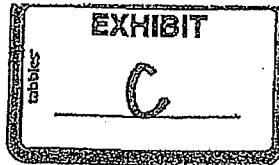
3310	TRIM LABOR	14.50	16,470.-		
3320	BRICK MATERIALS 25,000 brick + mortar + sand	325.-	10,600.-		
3330	FIREPLACE MATERIALS 1/2 cut red	545 logs	1,200.-		
3340	GUTTERS/FLASHING		2,400.-		
3350	PAINT/LABOR	5.50	20,130.-		
3360	FORMICA TOPS KIT: 52" utility 16"	6.50	1,330.-		
3370	MARBLE/INSTALLATION 4 tops	400.-	1,600.-		
3380	LIGHT FIXTURES	11.50	5,490.-		
3390	APPLIANCES		4,800.-		
3400	MIRRORS/SHOWER DOORS 4 baths	200.-	800.-		
3410	HARDWARE	954	3,480.-		
3420	CARPET/VINYL FLOORS (tile)		-		
3430	WOOD FLOORS (tile)		-		
3440	MISC. EQUIPMENT		800.-		
3450	WALLPAPER/LABOR		-		
3460	<del>MIRRO</del> RS Back splashes KIT + mirrors		940.-		
3470	<del>STUCCO</del> /LABOR - Vinyl Cornice	954	4,900.-		
3480	PREWIRE T.V./PHONES		-		
3500	CLEANUP		1,800.-		
3520	TRACTOR		900.-		
3530	<del>SCREEN</del> Screen porch + 1 door		3,200.-		
3570	TEMP. UTILITIES		450.-		
3580	LANDSCAPING		3,000.-		
3590	OTHER / Handicap shower		9,000.-		
3600	<del>SCREEN</del> Handicap bars		500.-		
3610	WORK ORDERS		-		
3630	<del>ADDITIONAL</del> Concrete driveway by owner		-		
3660	<del>DECK</del> /concrete patio by owner		-		
3670	SPRINKLER		-		
3680	MAILBOX		-		

→ patio under roof is included.

Contract for \$95.00 per ft.  
\$347,700.-

\$4,560.50 / 1.25 per ft.  
for estimate shortfalls

SUBTOTAL	93,790.-
SUBTOTAL	218,155.-
profit 10%	311,945.-
	311,945.50
\$93.75 per ft.	
TOTAL	\$343,139.50



p.1

**TULLOS HOMES, L.L.C.**  
115 Tullos Cove. Brandon, Mississippi 39842 - TELEPHONE 601-824-3916

Tullos Home, L.L.C  
115 Tullos Homes  
Brandon, MS 39042

Phone Number: or 601-572-4224  
Fax Number: 601-824-3916

Email: mwtullos@bellsouth.net

### FAX TRANSMITTAL FORM

To: M<sup>c</sup> Nulty Law Firm  
Date Sent: 6/24/2011  
Total Number of Pages (Including Cover Sheet): 2  
Fax Number: 601 849-4712

Message: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Tullos Homes, LLC****QUOTE**

115 Tullos Homes, LLC  
 Brandon, MS 39042  
 Phone 601-572-4224 Fax 601-824-3916

DATE: JUNE 24, 2011

TO: \_\_\_\_\_  
 \_\_\_\_\_ Potential Customer \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR: \_\_\_\_\_  
 \_\_\_\_\_ House In Magee \_\_\_\_\_

**DESCRIPTION**

The following quote is for plan number 06113529. The price does include stained concrete in bedrooms and bathrooms, 18X18 ceramic tile throughout the main living area, three interior paint wall colors, one interior trim color, one exterior trim color, architectural shingles, vinyl windows, quality, custom built cabinets, electrical as per plans, coax tv and phone cable throughout home, kitchen appliances includes two ovens, electric cook top, dishwasher, ice maker, vent a hood, and garbage disposal. This also includes having granite installed on all counter surfaces in the kitchen and bathrooms. It does include installation of an approved septic system. The price does reflect an average of 2.0ft of backfill for the foundation pad.

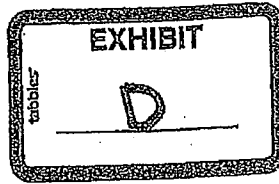
The quote does not reflect: back patio, security system, sound system, central vacuum system, intercom or sprinkler systems.

The price reflects quality fixtures and craftsmanship of the highest standard. We pride ourselves on the homes that we build and products we use in them. Tullos Homes, LLC is a licensed builder R07996

Total Heated and Cooled 3,660 squared feet \*\$85.00 per foot=\$311,100.00

All items are subject to allowances. We would be happy to meet and discuss the allowances or answer any questions. Thank you.  
 Michael W. Tullos.  
 601-572-4224

Thank you for your potential business!



On July 7, 2011, after review of the house plans, Brian Kennedy submitted an oral bid to my office in the amount of Three-Hundred and Seventy Thousand Dollars (\$370,000.00). He did not submit a written quote.

*Keely MS-Nul-ty*

## **RECORD EXCERPT 29**

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

**FILED**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

APR 24 2012

CAUSE NO: 2010-0146 P2

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

PETITION FOR APPROVAL OF CORRECTION OF CONSTRUCTION FUND AMOUNT  
AND TO AUTHORIZE TRANSFER AND WITHDRAWAL OF FUNDS

COMES NOW Marilyn Denise Newsome, Conservator of Victoria Newsome, and files this Petition for Approval of Correction of Construction Fund Amount and to Authorize Transfer and Withdrawal of Funds from the Trust Account to the Conservatorship Account for the completion of the construction of a home for the ward, and would show unto the Court the following:

1. That the limited purpose of approval and acceptance of the bids for the construction of the home for the ward, Victoria Denise Newsome, was transferred unto Judge David Shoemake, per Order Transferring Cause for Limited Purpose entered by Judge Joe Dale Walker on July 21, 2011.
2. That per the Order Concerning Approval and Acceptance of Bids for the Construction of a Residence for the Ward, entered by Judge David Shoemake on July 22, 2011, the Court accepted the bid of C.T. Construction in the amount of \$273,075.14 and authorized Marilyn Denise Newsome, Conservatrix, to accept said bid.
3. That due to a typographical error, the bid amount in the Petition and Order were inconsistent with the actual bid amount per Exhibit "A" attached to said Petition and Order. The amount stated in the Petition and Order was \$273,075.14, when the actual bid amount was \$296,575.14. The actual bid amount of \$296,575.14 was the amount represented to the Court at all times, and was the lowest bid received. Therefore, Petitioner requests, from the net settlement, the difference of \$23,500.00, to reflect the appropriate bid amount.



WHEREFORE, PREMISES CONSIDERED, Petitioner requests the Court to give authorization to immediately transfer funds, from the net settlement, in the amount of Twenty-three Thousand, Five Hundred Dollars and 00/100 Cents (\$23,500.00) from the Trust Account opened and managed by the law office of Merkel and Cocke, P.A., in Clarksdale, MS, and deposit said funds into the Conservatorship Account of Marilyn Newsome, Conservator of Victoria Newsome, account located at People's Bank in Magee, MS, Account No: 3381050, for the completion of the ward's permanent residence.

Respectfully submitted,

Keely R. McNulty  
Keely R. McNulty, Esq.  
Attorney for Petitioner

Prepared and Presented by:

Keely R. McNulty  
Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSB#: 103314

## **RECORD EXCERPT 30**

11-13-13 15:11 FROM- Stubbs Law Firm

6018475938

T-419 P0001/0013 F-356



## THE STUBBS LAW FIRM, PLLC

### Attorneys

Torrell Stubbs - Mendonhall  
Kannan Stubbs - Magee

### Office Manager

Donna Mott

### Mendonhall Office

120 W. Court Avenue  
P.O. Box 157  
Mendonhall, MS 39114  
601-847-4811  
601-847-5938(fax)

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201 Main Avenue North  
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Magee, MS 39111  
601-849-3903  
601-849-3633(fax)  
www.thestubbslawfirm.com

### Legal Assistants

Sonya Walker  
Martha Stubbs  
Amanda Samuthus  
Renea Boykin

### FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 601-354-6277

TO: Ms. Darlene Ballard, Executive Director  
OF: Judicial Performance Commission  
FROM: THE STUBBS LAW FIRM, PLLC  
CLIENT / MATTER: Conservatorship of Victoria Denise Newsome

DATE: 11-13-13

DOCUMENTS	# of Pages
Order on Dempsey Sullivan case signed by Judge Shoemaker May 4 <sup>th</sup> , 2011	1
Letter on Bobby Sullivan case from Judge Shoemaker signed August 17 <sup>th</sup> 2012	1
Order on Bobby Sullivan case signed by Judge Shoemaker August 17 <sup>th</sup> , 2012	2

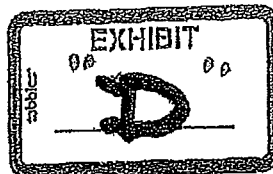
Total Pages 12  
(including cover sheet)

COMMENTS: Ms. Ballard, I work for Mr. Stubbs and I wanted to provide you with these documents signed by Judge Shoemaker. If you look at these signatures and compare them to those in the Conservatorship of Victoria Denise Newsome you will find that they are the same signatures. I am also enclosing a copy of a letter signed by Judge Shoemaker's Court Administrator, Donna Smokey, a/k/a Donna Walker to show the signatures are not hers.

Thanks, Sonya

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\*NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (601) 847-4811 OR (601) 849-3993



RE-801-

## **RECORD EXCERPT 31**

FILED

SEP 15 2011

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO. 2010-0146

PETITION FOR AUTHORITY TO PAY CAREGIVER  
PARENT AND FOR OTHER RELIEF

COMES NOW Richard A. Courtney, Esq., Trustee of The Victoria Newsome Special Needs Trust ("Petitioner"), and files this Petition, showing in support hereof the following:

1. At the time of filing of this Petition, Petitioner is an adult resident citizen of Madison County, Mississippi, and the principal office of the Trust is 4400 Old Canton Road, Suite 220, Jackson, Mississippi 39211. At the time of filing of this Petition, Victoria Newsome, beneficiary of the trust ("Victoria"), resides at 178 Coats Road, Mount Olive, Mississippi 39119. Petitioner is the trustee of said trust for the benefit of Victoria.

2. On or about May 3, 2008, Victoria was permanently mentally disabled due to the negligence of a physician. Victoria continues to suffer from a significant loss of independence.

3. Victoria relies on her mother and conservator, Marilyn Newsome, for care giving assistance. Because of the particular demands of caring for Victoria's needs, Marilyn has been unable to obtain full time employment. Marilyn is able to provide the same quality of services to her daughter that would be provided by a personal care attendant. For the past three years and continuing, Marilyn cooks three meals a day for Victoria, dresses and bathes her, walks her, cleans after her, drives her, administers her

medicines including monitoring her glucose levels daily, purchases food and any other necessities, as well as washes and launders her clothing, linens, etc.

4. Petitioner requests this court to decree that he, as Trustee, shall be authorized to pay to Marilyn, as gross compensation for caregiving and attendant care services, the amount of \$10.00 per hour up to twenty-five (25) hours per week from the trust, plus employer payroll taxes on such compensation; and that such payments are valuable services on behalf of Victoria, the beneficiary of the trust, and are in her best interest.

5. Additionally, Petitioner requests that this court decree that the money held in an account pursuant to prior order of this Court on behalf of Victoria Newsome from her lawsuit settlement be transferred to The Victoria Newsome Special Needs Trust so that the funds can be invested in various financial vehicles to earn interest for the trust for Victoria's lifetime benefit.

6. Finally, Petitioner requests that this court approve the purchase of a handicap-equipped van in the amount of \$44,110.00 as shown in the attached Exhibit "A" for the benefit of Victoria.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests the Court to receive this Petition and, upon a hearing hereon, enter its order granting the following relief:

1. Adjudicating that the trustee of The Victoria Newsome Special Needs Trust, is authorized to pay to Marilyn Newsome, as gross compensation for caregiving services, the amount of \$10.00 per hour up to twenty-five (25) hours per week from the trust, plus


employer payroll taxes on such compensation; and that such payments are valuable services on behalf of Victoria, the beneficiary of the trust, and are in her best interest.

2. Adjudicating that it is in the best interest of the Special Needs Trust to decree the lawsuit funds held in an account pursuant to prior order of this Court be transferred to The Victoria Newsome Special Needs Trust in order to be invested and start earning interest for the Trust for Victoria's lifetime benefit.

3. Authorizing Petitioner to purchase the handicap-equipped van for the benefit of Victoria.

4. Granting such other and further general or special relief as the Court deems proper in the premises.

Respectfully submitted,

  
RICHARD A. COURTNEY, Trustee of The  
Victoria Newsome Special Needs Trust

STATE OF MISSISSIPPI  
COUNTY OF Hinds

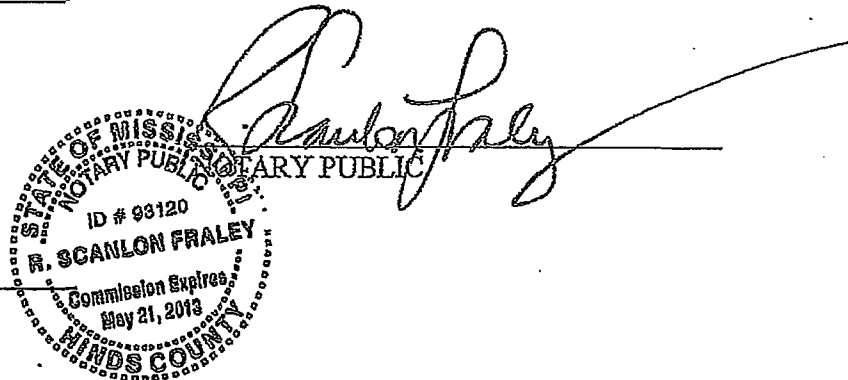
This day personally appeared before me, the undersigned authority within and for the aforesaid jurisdiction RICHARD A. COURTNEY, who, after being first duly sworn by me, stated on oath that he is the Trustee of THE VICTORIA NEWSOME SPECIAL NEEDS TRUST and that the matters and facts set forth in the foregoing Petition are true and correct as therein stated to the best of her personal knowledge and belief.

Richard A. Courtney  
RICHARD A. COURTNEY

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of September, 2011.

My Commission Expires:

05/21/2013



Of Counsel:

Richard A. Courtney, MSB #7722  
R. Scanlon Fraley, MSB #103006  
FRASCOGNA COURTNEY, PLLC  
4400 Old Canton Road, Suite 220  
Jackson, Mississippi 39211  
Telephone: 601-987-3000



To whom it may concern

I MARYAN Newsome have been

taking care of Victoria Newsome

for three years these are what I do:

1. Cook for her

2. bath for her

3. drive for her

4. gives Med. for her

5. buy food and anything else that she needs

6. do her hair

7. She got to have three meal a day

8. I walk her

9. check her ~~sa~~ Sugar 2x a day

10. Wash her close and cover



FL0111

5516 North State St.  
Jackson, MS 39206  
(601) 981-0040



\*\*\*\*\*SALES REPORT\*\*\*\*\*

2010 DODGE SXT ENTERVAN II Conversion RED INVENTORY # 155334  
VIN: 2D4RN3D16AR129749 MILEAGE=25,450

VAN HAS A BRAUN ENTERVAN II 10 INCH LOWERED FLOOR CONVERSION W/ POWER  
RAMP, DOOR, KNEELING SYSTEM. ITS ALSO EQUIPPED W/ HAND CONTROLS AND POWER  
TRANSFER SEAT BASE IN DRIVER AREA. THIS EQUIPMENT CAN BE REMOVED IF NOT  
NEEDED.

987-3001

42000<sup>00</sup>  
2100<sup>00</sup> TAX  
10<sup>00</sup> title

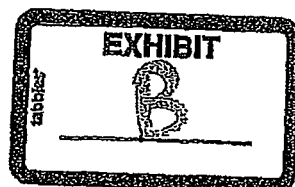
~~\$44100.00~~

To Leigh,

This van is on our  
website

~~AVA~~

handicapable - [vans.com](http://vans.com)



Theresa  
Daryl

## **RECORD EXCERPT 32**

FILED

FEB 16 2012

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME

CAUSE NO. 2010-0146

PETITION TO TRANSFER SETTLEMENT ASSETS TO  
SPECIAL NEEDS TRUST

COMES NOW Richard A. Courtney, Esq., Trustee of The Victoria Newsome Special Needs Trust ("Petitioner"), and files this Petition, showing in support hereof the following:

1. At the time of filing of this Petition, Petitioner is an adult resident citizen of Madison County, Mississippi, and the principal office of the Trust is 4400 Old Canton Road, Suite 220, Jackson, Mississippi 39211. At the time of filing of this Petition, Victoria Newsome, beneficiary of the trust ("Victoria"), resides at 178 Coats Road, Mount Olive, Mississippi 39119. Petitioner is the trustee of said trust for the benefit of Victoria.

2. Currently, the settlement assets are being held in a Certificate of Deposit at First National Bank of Clarksdale, No. 71395 in the amount of \$252,943.62. In 2011, the CD earned \$2,839.71 in interest as reflected in the 1099 attached to this Petition as Exhibit "A". Also, the remainder of the settlement assets is held in a money market account at Regions Bank in the amount of \$3,289.87. In 2011, the money market account earned \$416.52 in interest as reflected in the 1099 attached to this Petition as Exhibit "B".

3. By Decree entered September 22, 2011 in this cause, the Court authorized disbursement by the Trustee of The Victoria Newsome Special Needs Trust ("Trust") of the sum of \$44,110.00 for purchase of a van. However, the Trust contains insufficient funds to make such purchase. Therefore, Petitioner requests that this court decree that the

money held in the First National Bank of Clarksdale, Regions Bank and any other account on behalf of Victoria Newsome from her lawsuit settlement be transferred to The Victoria Newsome Special Needs Trust so that the funds can be invested in various financial vehicles to earn better interest for the trust for Victoria's lifetime benefit.

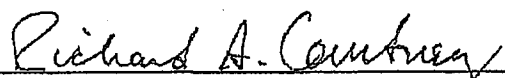
4. Further, the Trust needs to be funded with the settlement proceeds because if Victoria has any emergency situation or any immediate needs, the Petitioner, as Trustee needs to be able to quickly deal with the matter instead of being delayed by having to approach the Court to transfer the assets.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests the Court to receive this Petition and, upon a hearing hereon, enter its order granting the following relief:

1. Adjudicating that it is in the best interest of the Special Needs Trust, and Victoria Newsome, to decree the lawsuit funds held in First National Bank of Clarksdale, Regions Bank and any other account pursuant to prior order of this Court be transferred to The Victoria Newsome Special Needs Trust in order to be invested and administered as part of the Trust for Victoria's lifetime benefit.

2. Granting such other and further general or special relief as the Court deems proper in the premises.

Respectfully submitted,

  
RICHARD A. COURTNEY, Trustee of The  
Victoria Newsome Special Needs Trust

STATE OF MISSISSIPPI  
COUNTY OF Hinds

This day personally appeared before me, the undersigned authority within and for the aforesaid jurisdiction RICHARD A. COURTNEY, who, after being first duly sworn by me, stated on oath that he is the Trustee of THE VICTORIA NEWSOME SPECIAL NEEDS TRUST and that the matters and facts set forth in the foregoing Petition are true and correct as therein stated to the best of her personal knowledge and belief.

Richard A. Courtney  
RICHARD A. COURTNEY

SWORN TO AND SUBSCRIBED before me this 19 day of  
February, 2012.

Leigh A. Leverette  
NOTARY PUBLIC

My Commission Expires:

3/23/2013



Of Counsel:

Richard A. Courtney, MSB #7722  
Scanlon F. Minton, MSB #103006  
FRASCOGNA COURTNEY, PLLC  
4400 Old Canton Road, Suite 220  
Jackson, Mississippi 39211  
Telephone: 601-987-3000

## **RECORD EXCERPT 33**

Keely R. McNulty, Esq.

ITEMIZED STATEMENT

In the Matter of the Conservatorship of Victoria Newsome

Date	Description
01-22-11	Gathered all information on the home on Hwy. 149 in Magee to present to judge. Gathered documents from Marilyn, Trustee's office, realtor, John Cocke's office, etc.
01-23-11	Organized and reviewed all documents to present to judge on potential home purchase.
01-24-11	Presented potential home to purchase on Hwy. 149 in Magee.
01-25-11	Telephone and email correspondence.
01-26-11	Prepared letter to realtor on the cancelled sale of the home purchase, per Trustee's office.
02-03-11	Email correspondence on home & property.
02-09-11	Email correspondence on home & property.
02-15-11	Telephone and email correspondence.
02-20-11	Reviewed file and emails on home purchase, etc.
03-08-11	Faxed docs for Marilyn, called bank on conservatorship acct for home purchase, called Leigh (@Trustee's office) to discuss money, talked to Marilyn to update and she wanted to discuss other issues.
03-09-11	Followed-up with bank on funds for home purchase.
03-10-11	Talked to Rick Courtney's office about Conservatorship acct and Special Needs Trust and what they will want me to do. Requested figures for amount to be deposited into acct. Talked to John Cox about transferring money from their escrow acct into the other accts. Talked to Alice Little about closing. Talked to Marilyn about closing. Followed-up with bank on acct.
03-11-11	Reviewed Home Inspection, made notes. Talked to Marilyn. Emailed Leigh and Alice. Spoke to bank about acct.
03-14-11	Talked to judge, Marilyn, and two contractors on building a house.
03-15-11	Talked to Marilyn and Dan @ ins co. Teressa talked to Alice Little.
03-16-11	Met with builder for quote on building house. Talked to Judge about house.
03-22-11	Spoke to court administrator, judge, Marilyn, emailed attorney's regarding meeting. Talked to termite inspector.
03-23-11	Ex Parte with client, judge, & Leigh in Monticello. Met with client post-court. Talked to realtor regarding purchase of land.
03-24-11	Met w/ client on land purchase. Drafted Order. Talked to judge about Order. Talked to realtor on visiting land.

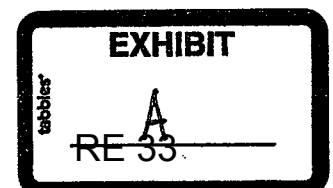




Exhibit "C"

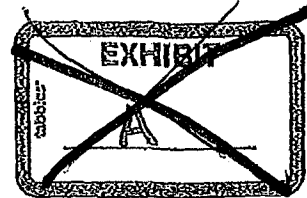
Keely R. McNulty, Esq.

ITEMIZED STATEMENT

In the Matter of the Conservatorship of Victoria Newsome

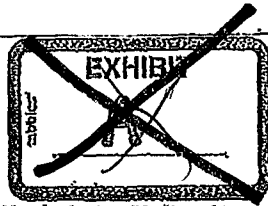
Date	Description
03-28-11	Met with realtor to visit prop located on Coats road. Met w/ client on mobile home and home plans.
03-29-11	Met with judge to discuss mobile home purchase, land purchase, Order, home plans, etc. Talked to house planner for designs. Emailed trustee regarding whose name to put land in. Talked to client.
03-30-11	Emailed Trustee, talked to client. Talked to Betsy Morrow regarding house plans.
03-31-11	Emailed C. Merkel, faxed info to his office. Talked to client. Talked to seller on purchasing land.
04-01-11	Talked to C. Merkel, J. Cocke, client, sent faxes, corresponded with both banks to facilitate transfer of funds per the judge's Order.
04-04-11	Talked to client, talked to Seller of real estate, did title check on property, inquired into Deeds of Trust, organized and reviewed file. Began work on closing documents.
04-05-11	Talked to client, talked to mobile home company,
04-06-11	Worked on closing for land. Reviewed information on mobile homes.
04-07-11	Talked to Trustee's office, worked on closing of land, worked on purchase of mobile home.
04-08-11	Talked to Byram Mobile Home Center regarding mobile home for Marilyn. Talked to client.
04-11-11	Prepared Order number 2 and all exhibits. Talked to client. Sent Order to judge for review.

Keely R. McNulty, Attorney at Law, PLLC



Itemized Statement	
Date	Description
04-12-11	Spoke to Chancery Clerk regarding permits needed for mobile home, spoke to mobile home representative regarding closing, emailed judge on additional money needed for mobile home purchase.
04-14-11	Talked to client, Charles Merkle, set up closing, talked to judge, revised order, faxed and emailed revised order for judge to sign, let parties know about closing date. Talked to John Cocke, emailed John the Order and wiring instructions.
04-19-11	Handled closing on real property and mobile home purchase. Facilitated money to be wired, issued checks, executed all documents.
04-20-11	Faxed documents for client. Met with client on various matters including foundation for mobile home and other set up matters.
04-21-11	Talked to client. Talked to Mr. Claybourn regarding prep work on foundation.
04-25-11	Talked to client. Called mobile home company to check on status of delivery of mobile home. Called John Cocke back.
04-26-11	Talked to client.
04-27-11	Checked on status of mobile home delivery. Called Leigh @ Trustee's office to discuss issue client had yesterday re: Victoria's hair and several other daily issues. Also, to discuss their potential help with building the house.
04-28-11	Left message w/ Trustee's office. Talked to client for update. Talked about insurance for mobile home, delivery of mobile home, new issues with Victoria, house plans, etc.
05-04-11	Talked to client re: mobile home and all the set up plans.
05-05-11	Met with client re: mobile home and all the set up plans. Electrician, plumber, dozer, window, refrigerator, etc. Called judge to discuss status.
05-06-11	Faxed invoice to bank for payment on dozer work.
05-10-11	Talked to court administrator re: Marilyn's concerns.
05-11-11	Talked to John Cocke re: Marilyn's concerns. Talked to client re: invoices/quotes needed. Began drafting Order to pay for insurance, power deposit, plumber, and gas tank. Emailed Trustee re: meeting with judge next week. Reviewed house plans from Betsy Morrow.
05-12-11	Drafted Order #3 for various items needed to set up mobile home. (Insurance, water, gas, electricity, plumber, etc.)

Exhibit Book A-8 Page 484



Itemized Statement of Keely R. McNulty, Attorney at Law, PLLC

Re: Newsome

05-12-11	Faxed and emailed Order to judge for money to pay set up of utilities and insurance.
05-13-11	Talked to client, faxed document to Welfare Department in Mendenhall.
05-17-11	Reviewed insurance quote. Faxed Order to Peoples Bank & John Cocke's office. Sent email to Trustee on questions re: named insured for mobile home, furniture, and monthly allowance.
05-18-11	Talked to client. Checked on money transfer. Collected and reviewed invoices. Prepared for meeting w/ Judge tomorrow.
05-19-11	Met w/ Judge and client in Monticello (100 mile drive). Discussed current status of progress. Received directions from the judge.
"	Talked to client re: settlement proceeds and food stamps. Also, requested power bill to pay per the judge's Order. Checked balance in Conservatorship acct.
"	Arranged for checks to be written w/ bank. Picked up checks. Disbursed checks to payees.
05-20-11	Talked to client. Called 2 plumbers for quotes. Talked to power company for documents needed.
05-23-11	Talked to client. Called 2 plumbers to follow-up on quotes.
05-24-11	Talked to power company several times. Made arrangements for engineer to come to property to inspect and determine what will be needed to set power up. Called plumbers. Faxed documents to power company. Talked to client. Got quote from another ins company.
05-26-11	Talked to client. Talked to power company.
05-27-11	Talked to client, called water company to set up account, checked status of plumber and requested final invoice, called house plan designer and scheduled appointment, called power company to get update on progress. Faxed invoices to bank for issuance. Distributed checks to water company, plumber, power company, and Simpson County Tax Collectors.
05-31-11	Meeting w/ house plan designer on two potential layouts. Ordered drafts of both layouts. Discussed builders, flooring, handicap design matters, and several details on house plans. Called client to update her on matters.
06-07-11	Worked on obtaining insurance policy on mobile home. Talked to client. Coordinated set up and payment of natural gas at mobile home. Drafted Order to approve house plans and get bids. Faxed and emailed proposed Order for judge's review.

06-08-11	Worked on insurance. Email correspondence with insurance agent. Obtained judge's signature on Order.
06-09-11	Ordered final and complete draft of house plans. Worked on insurance.
06-13-11	Dropped off check to insurance company.
06-14-11	Talked to client. Reviewed final drawing of house plans.
06-15-11	Met w/ client. Reviewed final drawing of house plans. Obtained a builders name and contact information. Talked to service man who installed A/C unit about the charges. Requested check from bank on A/C invoice.
06-16-11	Talked to client. Placed calls out to several builders to obtain bids.
06-17-11	Talked to client. Spoke with several builders to obtain bids. Coordinated pick up of the plans to all the builders.
06-20-11	Talked to client. Talked to several builders, answered questions, made decisions on house to obtain bids.
06-21-11	Talked to client. Called power company to obtain security light for property. Started getting cable quotes. Talked to builders regarding bids on the house.
06-23-11	Talked to client. Requested check from bank to pay gas bill balance.
06-24-11	Talked to client about new steps and hand rail. Obtained quotes on satellite television. Met with contractor to go over bid.
06-27-11	Talked to builders regarding bids on house.
06-28-11	Talked to builders regarding bids on house.
06-29-11	Talked to client. Called satellite tv companies to get services set up.
07-01-11	Arranged for a check to be paid to gas company. Picked up check, paid balance. Talked to client about custody.
07-04-11	Worked on getting cable/satellite tv set up.
07-05-11	Talked to contractor to build stairs and handle into mobile home.
07-06-11	Obtained one more builder to place bid on home.
07-08-11	Talked to builders. Talked to client. Issues include A/C, electricity, security light, ramp, lawn mower.
07-11-11	Talked to client. Checked on last bid from builder. Contacted power company and water company to send bill to our office for monthly payment. Checked on A/C and electricity problem.
07-13-11	Talked to client about ramp. Talked to Trustee's office regarding ramp being built. Cancelled our builder that was going to build the ramp per the Trustee's office due to tax write off potential.
07-15-11	Talked to client about needs (lawn mower, stairs in back of mobile home, electricity issue, van, vehicle trouble, returned check issue, etc.)
07-18-11	Drafted Petition and Order regarding building of house and payment of utilities and other fees associated with preparing to build the home.
07-19-11	Talked to client. Drafted revised Order to Judge Walker per his

	request. Drafted proposed Order to Judge Shoemake due to transfer on limited matter. Sent all Petitions, Orders, and Exhibits to judges via email and fax.
07-20-11	Faxed Order to Charles Merkle's office to get money transferred to Conservatorship account. Followed up with judges. Arranged for bush hogging on Newsome real property. Set up bi-monthly grass cuttings for Newsome real property.
07-21-11	Talked to client. Worked on getting cable/satellite TV set up at residence without the use of a credit card on the account.
07-21-11	Talked to Judge Shoemake for direction on how to move forward with construction of house.
07-25-11	Visited house site w/ contractor. Talked to client. Checked on status of wire transfer. Filed Order in Mendenhall. Faxed Judge Shoemake Order to Merkle's office to transfer money. Notified other builders that they didn't get the bid. Faxed Order with check requests to bank to issue checks to pay utilities and bills.
07-26-11	Drafted Petition for approval of contractor's agreement. Checked on status of wire transfer to conservatorship account.
07-27-11	Drafted Proposed order for approval of contractor's agreement. Checked on status of wire transfer to bank. Picked up checks from People's Bank. Paid invoices. Faxed request and order to bank to pay new invoices. Faxed and emailed Petition, Order and Exhibits. Paid invoices due for house plans, and various utilities.
07-28-11	Called bank to check on status of wire transfer several times. Called attorney's office to check on status of wire transfer. Talked to builder about payment.
07-29-11	Called bank to check on status of wire transfer several times. Called attorney's office to check on status of wire transfer several times. Talked to builder about payment.
08-01-11	Called bank to check on status of wire transfer. Called attorney's office to check on status of wire transfer.
08-02-11	Filed both orders with the clerk in Mendenhall. Faxed order and exhibits to John Cocke's office again. Requested wire transfer again from John Cocke's office. Talked to Mr. Cocke regarding wire transfer. Drafted another order to authorize transfer of funds. Emailed and faxed to Judge Shoemake's office. Followed-up to ensure delivery and signature as soon as possible.
08-04-11	Obtained invoice amounts from contractor to be paid this week. Requested checks from the bank. Got information on bank accounts from John Cock's office. Talked to Court Administrator regarding a few issues. Faxed new order to bank for their records.
08-05-11	Requested checks to pay subcontractors on building of house. Requested checks to pay utility bills. Got information on child custody matter.
08-15-11	Talked to client re: security light, special needs trust matter, &



	cable. Called plumber to fix bath tub.
08-16-11	Talked to contractor regarding house. Visited site to view work completed to date. Requested checks for subcontractors on building the house. Called power company regarding security light for the property. Got update on location of child and address for child custody matter.
08-17-11	Picked up checks from bank to pay subcontractors. Coordinated payment of invoices. Requested invoices from contractor on all work completed. Worked on getting cable without a credit card on file.
08-18-11	Talked to client several times. Obtained service man to check on problem with stove. Worked on trying to get a service man to check on the electrical shortage. Discussed child custody matter. Verified information for petition. Discussed high power bill. Paid electricity bill. Worked on child custody petition.
08-19-11	Talked to client. Received invoice from plumber/electrician. Arranged for payment on invoice.
08-23-11	Talked to contractor regarding home construction.
08-24-11	Obtained invoices, and payment amounts for draws on home construction. Arranged for checks to be drawn from account.
08-26-11	Talked to client regarding cable. Picked up checks from bank and paid contractor. Talked to cable company to set up cable.
08-29-11	Talked to client regarding cracked window. Called cable company to finish setting up cable. Finished up custody Petition. Prepared summons. Had client to review and sign custody petition.
09-08-11	Requested checks from bank to pay contractor bills. Picked up checks from bank. Facilitated payments to contractor(s).
09-15-11	Requested checks from bank to pay contractor bills.
09-16-11	Picked up checks from bank. Facilitated payments to contractor(s).
09-19-11	Requested checks from bank to pay monthly bills.
09-20-11	Picked up checks from bank. Mailed payments to monthly bills.
"	Talked to Special Needs Trust assistant regarding potential Petition they want to present to judge. Reviewed Petition. Emailed judge to discuss. Contacted new person to potentially cut client's grass.
09-22-11	Called cable company to remove incorrect fee placed on bill.
"	Obtained contractor draw amounts for this week. Requested checks from the bank.
09-23-11	Picked up checks from bank. Disbursed checks.
09-29-11	Got weekly draw amounts from contractor. Requested checks from the bank.
"	Talked to court administrator regarding special needs trust.
10-03-11	Talked to Lee Leveright @ Rick Courtney's office regarding judges questions.
10-06-11	Got weekly draw amounts from contractor. Requested checks from the bank.

"	Sent fax to Charles Merkel & John Cocke's office requesting the remaining balance of the home construction amount to be transferred into the Conservatorship account.
10-07-11	Meet w/ Contractor to review status of home construction and check on costs as compared to quote. Reconciled original quote with actual costs incurred thus far.
10-10-11	Called Merkel&Cocke's officer regarding fax sent last Thursday. Re-faxed requested documents to Merkel & Cocke's office.
10-11-11	Discussed colors of paint, color of shingles, type of appliances, etc. regarding home construction with contractor.
10-13-11	Requested draw amounts from contractor for this week. Requested checks from bank.
10-14-11	Picked up checks from bank. Disbursed checks accordingly. Met with client on house. Met with contractor on house. Went on site to do a walk-through of the house to observe progress thus far. Discussed with contractor and client the issue pertaining to theft of materials from the construction site. Called special needs trust Trustee's office to discuss what's needed to purchase the van.
10-19-11	Requested draw amounts from contractor for this week. Requested checks from bank.
10-21-11	Picked up checks from bank. Disbursed checks accordingly.
10-24-11	Obtained another person to cut the grass at the residence. Arranged a day and payment procedure. Called special needs trust Trustee's office to discuss matters regarding the van purchase.



Itemized Statement of Keely R. McNulty, Attorney at Law, PLLC

RE: Newsome

DATE	DESCRIPTION
10-27-11	Talked to contractor regarding water supply needed at new house. Called water company, requested check from bank, notified client to go sign documents at water company.
10-28-11	Picked up check from bank. Talked to client. Called contractor. Talked to water company. Returned check to bank, no new water service needed- we will tap into existing water meter. Marilyn mis-informed water company that someone will still be living in mobile home once they move into new house.
11-02-11	Requested weekly draw amounts from contractor. Inserted figures into comparison and ledger chart for contractor/vendor fees. Calculated figures to date. Reviewed figures.
11-03-11	Reviewed bills. Paid monthly bills. Balanced bank account ledger. Ordered more gas for gas tank to mobile home. Requested quote on builders insurance on permanent residence. Recorded checks in ledger.
11-07-11	Ordered builders insurance policy. Paid premium to insurance associate. Recorded check in ledger.
11-08-11	Filed Order dated October 31, 2011.
11-09-11	Requested weekly draw amounts from builder. Faxed Order to Merkle and Cocke to wire money per Order.
11-10-11	Reviewed bills. Talked to client. Called DirectTV to remove additional services which were added with no authorization. Requested checks from bank. Picked up checks. Disbursed and mailed checks. Recorded checks in ledger.
11-17-11	Requested weekly draw amounts from contractor. Requested checks from bank. Visited house site to review progress.
11-18-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
11-23-11	Reviewed bills. Requested weekly draw amounts from contractor. Requested checks from bank.
11-25-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
11-30-11	Requested weekly draw amounts from contractor. Requested checks from bank.
12-02-11	Picked up checks from bank. Disbursed and mailed checks to appropriate individuals. Recorded checks in ledger.
12-07-11	Requested weekly draw amounts from contractor. Requested checks from bank.



12-09-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
12-12-11	Talked to client. Called power company to work out bill confusion. Requested check from bank to pay electric bill. Pick up check from bank. Mailed check to power company. Recorded check in ledger.
"	Called contractor to get update on status of construction and figures.
12-14-11	Requested weekly draw amounts from contractor. Requested checks from bank.
12-16-11	Picked up checks from bank. Disbursed checks to appropriate individuals. Recorded checks in ledger.
12-20-11	Met w/ contractor to get update on status of home construction. Went over projected vs. actual costs on items in quote. Went to house site to review progress.
"	Got an update from physical therapist on Victoria's progress, attendance, etc. Victoria hasn't been to PT since August.
12-21-11	Requested weekly draw amounts from contractor. Requested checks from bank.
12-22-11	Picked up checks from bank. Disbursed and mailed checks to appropriate individuals. Recorded checks in ledger.
12-27-11	Went through all Orders, all figures from quote, all wires, all payments, did initial reconciliation of ledger, requested complete statement from bank to double check figures, called contractor to go over figures again, and calculated all overages and savings on costs to date.
01-02-12	Reviewed and reconciled complete bank statement to double check balance, deposits, withdraws, etc. Called and emailed judge to discuss status of home construction, request more money for home construction, and discuss issue with conservatorship. Drafted petition and proposed order. Faxed and emailed petition and proposed order to judge.
	Met with judge in Covington County to give update on status of housing matters and conservatorship.
01-10-12	Requested draw amounts from contractor. Requested checks from bank. Picked up checks from bank. Mailed and distributed checks for bills and construction.
01-16-12	Prepared nunc pro tunc GAL order. Submitted to judge.
01-18-12	Filed GAL order. Requested weekly draw amounts from contractor. Requested checks from bank. Created charts on home construction draws, progress, and comparisons on actual vs. projected amounts.
01-19-12	Prepared Affidavit with Chad Teater. Had meeting w/ Chad on home progress/status. Requested check amounts. Picked up checks from bank. Issued checks. Balanced bank ledger. Updated comparison and ledger chart on home construction. Went by house site to review progress.

01-23-12	Prepared revised petition and order to Judge Shoemake for additional funds. Visited construction site. Sent petition and proposed order to judge.
01-24-12	Prepared Show Cause petition and summons. Served M. Newsome. Prepared for hearing.
01-27-12	Requested check amounts from contractor. Requested checks from bank. Picked up checks from bank. Mailed and distributed checks.
01-30-12	Calculated final draws. Updated spreadsheet. Re-calculated all totals. Talked to contractor. Drafted final petition and order on home for approval of final contractor's draw. Filed Shoemake Order in Mendenhall.
01-31-12	Prepared for Show Cause hearing.
02-06-12	Requested and issued final checks for home construction. Finalized payment ledger chart for file.
02-07-12	Appeared at Show Cause hearing in Covington County. Attended hearing.
02-08-12	Obtained home owners insurance on permanent residence.
02-10-12	Reviewed bills. Requested check amounts from contractor. Requested checks from bank. Picked up checks from bank. Mailed and distributed checks for home construction and monthly utility bills.
02-16-12	Requested check from bank on utility bill. Picked up check from bank. Mailed check.
02-17-12	Mailed insurance documents and court date notice on custody matter.
02-20-12	Called contractor to check on status.
02-27-12	Called contractor to check on status.
03-02-12	Reviewed bills. Requested checks from bank to pay monthly utility bills. Picked up checks from bank. Mailed checks. Balanced ledger.
03-05-12	Called contractor to check on status.
03-12-12	Called contractor to check on status.
03-14-12	Sent fax to bank to request checks to pay bills due.
03-15-12	Called power company to check on power to permanent residence. Talked to client. Called contractor to check on certificate needed to turn power on. Picked up checks from bank to distribute. Mailed checks.
03-20-12	Talked to contractor on final steps. Filled out application for Simpson County Dept. of Health for septic tank installation. Requested check for application fee from bank. Pick up check.
03-21-12	Dropped off septic tank application and fee.
03-23-12	Met with contractor. Completed final inspection of permanent residence.

03-26-12		Prepared final order for approval of contractor's final draw. Presented to judge for approval. Completed final draft of construction ledger chart.
03-27-12		Paid last presented bills on utilities and home construction. Finalized general ledger and construction ledger. Drafted and mailed letter to all utility companies for the permanent residence.
04-06-12		Prepared annual accounting for 2011 through 2012 to date. Prepared motion and proposed order for approval of annual accounting.

## **RECORD EXCERPT 34**

BEFORE THE MISSISSIPPI COMMISSION  
ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE  
NO. 2013-083

\*\*\*\*\*  
DEPOSITION OF MARILYN NEWSOME  
JANUARY 15, 2014  
\*\*\*\*\*

APPEARANCES:

WILLIAM H. JONES, ESQ.  
POST OFFICE BOX 282  
PETAL, MS 39465

(Representing the Judge)

DARLENE D. BALLARD, ESQ.  
BONNIE MENAPACE, ESQ.  
660 NORTH STREET, SUITE 104  
JACKSON, MS 39202

(Representing the Commission  
On Judicial Performance)

REPORTED BY: Patsy Ainsworth Young

1 MR. JONES: Let the record reflect that  
2 this is the deposition of Ms. Marilyn Newsome  
3 taken pursuant to Notice and for all purposes  
4 permitted by the Mississippi Commission on  
5 Judicial Performance.

6 EXAMINATION BY MR. JONES:

7 Q. Ms. Newsome, my name is William Jones,  
8 and I have a few questions for you here. I  
9 probably will not keep you very long. If I ask  
10 you a question and you say yes or no, I will make  
11 you say yes or no, because if you shake your head,  
12 when we go back and read it, we don't know what you  
13 said, and if you say un-huh or unh-unh, we have the  
14 same problem. So if I say please say yes or no, I  
15 am not fussing at you. Okay?

16 A. Yes, sir.

17 Q. If I ask you a question that you don't  
18 understand, it's perfectly okay to tell me, I  
19 don't understand that question.

20 A. Yes, sir.

21 Q. Because I am real bad about that. If  
22 you need to take a break or want to take a break,  
23 that is okay; all right?

24 A. Yes, sir.

25 MR. JONES: Let's have the Notice of

1 TABLE OF CONTENTS

2 WITNESS: Marilyn Newsome

3 Examination by Mr. Jones ----- 3

4 EXHIBITS:

5 1 - Notice of Deposition

6 2 - Allegations and Statement of Facts

7 \*\*\*\*\*

8 The deposition of Marilyn Newsome was  
9 taken by the Honorable William H. Jones at the  
10 Simpson County Chancery Court Facility,  
11 Mendenhall, Mississippi, on January 15, 2014,  
12 commencing at approximately 1:45 p.m.

13 \*\*\*\*\*

1 Deposition and my letter of transmittal marked as  
2 Exhibit No. 1. And because you are here, I don't  
3 need to mark the Proof of Summons Service at all.  
4 Let's have a copy of Ms. Newsome's Complaint  
5 marked as Exhibit No. 2.

6 (Exhibit 1 - Notice of Deposition marked)

7 (Exhibit 2 - Newsome Complaint marked)

8 MR. JONES: (Continuing)

9 Q. Ms. Newsome, your daughter - what is her  
10 name, the one this is all about?

11 A. Victoria Newsome.

12 Q. You and her still live here in the  
13 Mendenhall area?

14 A. We live in Magee. It's on a Mt. Olive  
15 line, but we are close to Magee.

16 Q. I assumed you live in Simpson County.  
17 Do you live in Covington County?

18 A. I live in -- I will say Simpson County.  
19 I just got a Mt. Olive address.

20 Q. Your tag says Simpson County on your  
21 car?

22 A. Yes, sir.

23 Q. Your daughter's matter was being handled  
24 at one point by a lawyer by the name of McNulty;  
25 you remember that, right?

Page 5

1 A. Yes, sir.

2 Q. And I looked at the file, and I have

3 looked at a lot of things you have said in this.

4 You were unhappy with Ms. McNulty's services,

5 correct?

6 A. Yes, sir.

7 Q. And you later went to see a lawyer by

8 the name of Terrell Stubbs?

9 A. Yes, sir.

10 Q. And you read -- he helped you get things

11 back kind of in the middle of the road, and he

12 helped you a lot?

13 A. Yes, sir.

14 Q. And you are satisfied with what he did

15 to help you?

16 A. Yes, sir.

17 Q. I want to show you that which has been

18 marked as Exhibit No. 2 to your deposition. Do

19 you see that?

20 A. Yes, sir.

21 Q. Do you remember filling that out and

22 signing that?

23 A. Yes, sir.

24 Q. Look on Page 2 at the bottom right-hand

25 corner. Is that your signature?

Page 6

1 A. Yes, sir.

2 Q. Natasha -- she is also your daughter?

3 A. Yes, sir.

4 Q. Is she older than Victoria or younger?

5 A. Older.

6 Q. She lives with y'all also?

7 A. Right now she lives with me, but she

8 lived in a trailer at 178.

9 Q. That is right next door?

10 A. Yes, sir.

11 Q. If you look at what I handed you there,

12 Exhibit 2, the Complaint filed with the Judicial

13 Performance Commission, where did you get this

14 copy to fill out? When you filled this out, who

15 physically gave you this piece of paper like this

16 to fill out? Do you remember who gave that to

17 you?

18 A. No, sir.

19 Q. Would Mr. Stubbs have given that to you?

20 A. I don't remember.

21 Q. Do you remember where you were when you

22 signed it?

23 A. Yes, sir.

24 Q. Where were you?

25 A. At Mr. Terrell Stubbs' office.

Page 7

1 Q. Did you bring this form with you to his

2 office, or was it there when you got to his

3 office?

4 A. No, sir, I brought it with me.

5 Q. And somebody mailed it to you to fill

6 out before you got to his office?

7 A. No, sir.

8 Q. How did you get a copy of it?

9 A. I went -- once I saw that it was a lot

10 of stuff wrong and that Ms. McNulty was

11 practically -- you know, wasn't doing what a

12 lawyer do --

13 Q. She wasn't doing her job, was she?

14 A. No, sir. But the thing is, the reason I

15 decided to let her go is because she signed my

16 name -- I will just say she did a lot of stuff,

17 you know, that I didn't approve of, but the main

18 thing was when she took me to court.

19 Q. And tried to have you removed, right?

20 A. Yes, sir.

21 Q. Because I read that. I read what she

22 did. She filed a show-cause petition against you

23 basically saying that you wouldn't cooperate with

24 her, correct?

25 A. I was cooperating.

Page 8

1 Q. Well, that is what she said?

2 A. That is what she is saying, but in court

3 it was because of -- we were smoking in our own

4 home.

5 Q. That was kind of silly, wasn't it?

6 A. Yes, sir.

7 Q. Now, you said that she signed your name.

8 Did she actually sign your name to something?

9 A. Affidavit.

10 Q. She signed it Marilyn Newsome?

11 A. Yes, sir.

12 Q. Do you know how many times she did that?

13 A. No, sir.

14 Q. Do you know where those affidavits are

15 that she signed your name to?

16 A. Do I know where they are at?

17 Q. Yes. Who has those documents?

18 A. I don't know if my lawyer has them; I

19 can't answer that.

20 Q. Would they be either at your lawyer's

21 office or at the courthouse somewhere?

22 A. I can't answer that either.

23 Q. But somebody showed you documents that

24 said Marilyn Newsome, and they were not your

25 signature, correct?

Page 9

1 A. Yes, sir.  
 2 Q. How many times do you think she signed  
 3 an affidavit signing Marilyn Newsome to it?  
 4 A. I don't know.  
 5 Q. Would it be more than once?  
 6 A. I am not to say.  
 7 Q. Would it be less than ten?  
 8 A. I don't know.  
 9 Q. Who showed you where she had signed your  
 10 name on affidavits?  
 11 A. Who showed me?  
 12 Q. Yes. Who showed them to you?  
 13 A. Mr. Stubbs.  
 14 Q. Do you know where he got them from?  
 15 A. I asked him -- once I went to him and  
 16 asked for his help -- I went to him begging, to  
 17 please help me because I knew something was wrong.  
 18 And they was misusing my daughter; she was still  
 19 suffering just the way she was before all of this  
 20 happened. And I went to him, and I begged him to  
 21 please help me.  
 22 Q. He went to the courthouse and went  
 23 through that court file, didn't he?  
 24 A. No, I asked him to get me the files. I  
 25 wanted to see the files of what all was going on.

Page 10

1 Q. Did you go through the file with him?  
 2 A. Yes, sir.  
 3 Q. Did you see where your name had been  
 4 signed to affidavits by Ms. McNulty?  
 5 A. I can't remember; I can't remember.  
 6 Q. But you do tell us today that you -- you  
 7 do say that Ms. McNulty signed your name, Marilyn  
 8 Newsome, to documents?  
 9 A. Yes, sir.  
 10 Q. If you don't mind, look at the last page  
 11 of this piece of paper that I put in front of you  
 12 there, Exhibit No. 2.  
 13 I apologize. I marked up the copy that  
 14 Ms. Ballard sent me at the bottom of the page, the  
 15 last four paragraphs. Do you see where I have got  
 16 some things underlined there?  
 17 A. Yes, sir.  
 18 Q. Now, this part of this document is two  
 19 pages; it's two typed pages. Do you see that?  
 20 The next to last page? I am referring to Exhibit 2.  
 21 A. Yes, sir.  
 22 Q. It says at the top of that third page or  
 23 next to the last page, Allegations and Statement  
 24 of Facts. Do you see that?  
 25 A. Yes, sir.

Page 11

1 Q. Who typed that up? Did you type that up  
 2 or did Mr. Stubbs' office type that up?  
 3 A. I can't recall.  
 4 Q. Do you recall whether or not you typed  
 5 it up?  
 6 A. I am not allowed to say cause I did have  
 7 -- I did talk to Mr. Stubbs about typing a  
 8 statement up.  
 9 Q. You provided the information, correct?  
 10 A. Yes, sir.  
 11 Q. But he took the initiative and he typed  
 12 it up for you; would that be a fair statement?  
 13 MS. BALLARD: I think we are bordering  
 14 -- I kind of want to interject an objection to  
 15 asking her what services were provided to her by  
 16 Mr. Stubbs or what they discussed, because that is  
 17 attorney/client privilege.  
 18 MR. JONES: No, it is not. Factual  
 19 matters are not attorney/client privilege. Only  
 20 requests for advice or advice given --  
 21 MS. BALLARD: But you are border --  
 22 MR. JONES: -- is privileged. Factual  
 23 information is not privileged information. It is  
 24 only advice requested and advice given that is  
 25 privileged. I haven't asked her what his advice

Page 12

1 was, and I don't want to.  
 2 Q. Don't misunderstand me, Marilyn. I  
 3 don't want to ask you what Mr. Stubbs gave you  
 4 advice-wise, period. Okay.  
 5 A. The only advice he gave me is for me to  
 6 always tell the truth, and that is what I have  
 7 been doing.  
 8 Q. That is good advice. Me and you are  
 9 okay with that. All right?  
 10 A. Yes, sir.  
 11 Q. Back to who prepared these two pages on  
 12 this document. These are typed up, single-spaced --  
 13 A. I had rather not even say.  
 14 Q. Look down -- I want to point your  
 15 attention to something. In the fourth from the  
 16 bottom paragraph of this document -- and I am  
 17 going to underline it for you. I will number it  
 18 No. 1 here on the right-hand side. Do you see  
 19 where I have numbered it one there?  
 20 A. Yes.  
 21 Q. It says, beginning with that sentence No.  
 22 1, says, Judge Walker and Judge Shoemaker just  
 23 recently hired Keely McNulty as their law clerk to  
 24 try to protect her. Do you see that language; do  
 25 you see that sentence? Starts right here.

3 (Pages 9 to 12)

<p style="text-align: right;">Page 13</p> <p>1 (Indicating)</p> <p>2 A. Yes, sir, I see it.</p> <p>3 Q. You can read it, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What evidence do you have that Judge</p> <p>6 Walker or Judge Shoemake hired Keely McNulty as</p> <p>7 their law clerk to protect her? Do you understand</p> <p>8 that question?</p> <p>9 A. No, sir.</p> <p>10 Q. Let's go back and read the sentence real</p> <p>11 slow, and I will go with you. It says, Judge</p> <p>12 Walker and Judge Shoemake just recently hired</p> <p>13 Keely McNulty as their law clerk to try to protect</p> <p>14 her. Do you see that sentence?</p> <p>15 A. Yes, sir, I see it.</p> <p>16 Q. What evidence do you have to support</p> <p>17 that claim? Do you have any evidence to support</p> <p>18 that claim?</p> <p>19 A. Yes, I do, but I rather not say.</p> <p>20 Q. You got to say; you got to tell me. You</p> <p>21 can't withhold that information; you are here</p> <p>22 under oath to tell the truth.</p> <p>23 A. Okay. She didn't say she supposed to</p> <p>24 have been doing to try to protect Victoria, but --</p> <p>25 to protect Victoria, she tricked Victoria and me</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Ms. McNulty.</p> <p>2 Q. Let's go down to the next paragraph</p> <p>3 there. I will label the sentence No. 2. I will</p> <p>4 circle that. Do you see that? Where I put the</p> <p>5 No. 2?</p> <p>6 A. Judge Walker and Judge Shoemake?</p> <p>7 Q. Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. It says there, after Mr. Stubbs got</p> <p>10 involved in the case and immediately pointed out</p> <p>11 and discovered all the problems in the case, you</p> <p>12 say that Judge Walker and Judge Shoemake began to</p> <p>13 work together to try and go back and file orders.</p> <p>14 Do you see that language; do you follow that?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It says nunc pro tunc. Do you know what</p> <p>17 that means?</p> <p>18 A. No, sir.</p> <p>19 Q. Had you ever heard that term before?</p> <p>20 A. No, sir.</p> <p>21 Q. You didn't tell Mr. Stubbs that term,</p> <p>22 did you?</p> <p>23 A. I can't remember. Really, I can't</p> <p>24 remember because -- I mean -- or when I had him to</p> <p>25 do all of this. I mean, it was so much I was</p>
<p style="text-align: right;">Page 14</p> <p>1 of signing a paper; we thinking it was a paper of</p> <p>2 Victoria seeing her oldest daughter, Tiesha; but</p> <p>3 come to find out, she did not tell us that we was</p> <p>4 giving the daddy custody of -- I mean, Victoria</p> <p>5 even went to her -- we both went over there on a</p> <p>6 lot of different occasions, you know, due to</p> <p>7 Victoria. And she just never was there.</p> <p>8 Q. Is there anything else; is there any</p> <p>9 other evidence that you have to support that claim</p> <p>10 that Judge Walker and Judge Shoemake hired Keely</p> <p>11 McNulty as their law clerk to try to protect Keely</p> <p>12 McNulty?</p> <p>13 A. Try to hire -- I don't understand.</p> <p>14 Q. Did Mr. Stubbs write that sentence or</p> <p>15 did you tell him to write that sentence?</p> <p>16 A. Everything on this paper, I told him to</p> <p>17 write.</p> <p>18 Q. Then, tell me, Marilyn, if you can, what</p> <p>19 evidence you have to support the claim that Judge</p> <p>20 Walker and Judge Shoemake hired Keely McNulty as a</p> <p>21 law clerk to protect her?</p> <p>22 A. Okay. In order to protect Victoria and</p> <p>23 they stated that they was looking out for</p> <p>24 Victoria's well being, but they was not.</p> <p>25 Q. They is who?</p>	<p style="text-align: right;">Page 16</p> <p>1 telling him to type up.</p> <p>2 Q. My point is, is this your words or his</p> <p>3 words?</p> <p>4 A. It is my words.</p> <p>5 Q. Let me ask you this, Marilyn. It says</p> <p>6 here, Judge Walker and Judge Shoemake began to</p> <p>7 work together to try and go back and file orders</p> <p>8 nunc pro tunc. Do you see that?</p> <p>9 A. Oh, okay, yes.</p> <p>10 Q. What evidence that Judge Walker and</p> <p>11 Judge Shoemake worked together to go back and file</p> <p>12 orders?</p> <p>13 A. When I asked Mr. Stubbs to get my file,</p> <p>14 everything that I had from Ms. McNulty, I mean it</p> <p>15 was not -- I didn't see no orders in there of the</p> <p>16 big amount of money that she was getting out of</p> <p>17 there. She didn't write no orders and the judge</p> <p>18 did not even sign no order.</p> <p>19 Q. What evidence do you have that Judge</p> <p>20 Walker worked with Judge Shoemake to file orders</p> <p>21 later on?</p> <p>22 A. Because when we had Ms. McNulty on the</p> <p>23 witness stand and we was going through -- Mr.</p> <p>24 Stubbs was asking her questions about where the</p> <p>25 money -- what she did with it. Okay, she went --</p>



1 I don't know if she went to Judge Walker and they  
 2 got together and they tried to cover their tracks  
 3 by pulling up orders -- writing up orders and  
 4 everything that was not even in the filing in the  
 5 beginning.  
 6 Q. Who told you that?  
 7 A. I saw it in the file.  
 8 Q. My question to you is, what evidence  
 9 that Judge Shoemake worked with Judge Walker to  
 10 produce any of those orders and put them in the  
 11 file later on -- do you know of any involvement of  
 12 Judge Shoemake to do that? After Terrell Stubbs  
 13 got involved?  
 14 A. May I please take a break?  
 15 MR. JONES: Yes, you may take a break.  
 16 (Brief Recess)  
 17 MR. JONES: We are back on the record.  
 18 MR. JONES: (Continuing)  
 19 Q. Are you okay, Marilyn?  
 20 A. Yes, sir.  
 21 Q. Look, I am not trying to confuse you or  
 22 badger you. I don't want you to feel that way; I  
 23 am just trying to get to the bottom of who typed  
 24 up this document and who provided the information  
 25 for this document and what basis and fact you have

1 for some of the allegations.  
 2 A. I will tell you like this. Mr. Terrell  
 3 did not know nothing about this case; he did not  
 4 know nothing until I went to him and begged him to  
 5 please help me because I -- because something is  
 6 not right.  
 7 Q. Well, he did a good job for you, didn't  
 8 he?  
 9 A. Yes. Mr. Stubbs - I love him, his work;  
 10 he is a good lawyer and like I said, I did have  
 11 him to type this up, but I told him everything to  
 12 say because he didn't know none of this until I  
 13 got to looking in the file.  
 14 Q. But my question is to you, when you say  
 15 in this document 2, Exhibit 2, to the deposition,  
 16 on the last page, that Judge Walker and Judge  
 17 Shoemake hired Keely McNulty as their law clerk to  
 18 try and protect her, what do you base that on? Do  
 19 you know Judge Walker -- I mean do you know that  
 20 she got hired as a law clerk? Who told you she  
 21 got hired as a law clerk?  
 22 A. May I please consult with my lawyer?  
 23 MR. JONES: If he is handy, yes, ma'am.  
 24 MS. BALLARD: Is he here?  
 25 MS. NEWSOME: He is right there at the

1 office.  
 2 MS. BALLARD: Can you call him?  
 3 MS. NEWSOME: Uh-huh. (Affirmative).  
 4 (Mr. Terrell Stubbs enters the room where deposition  
 5 is being held)  
 6 MR. STUBBS: Here is what we are going  
 7 to do. Since you did not send me a copy, and I am  
 8 her attorney, we are going to stop the deposition.  
 9 MR. JONES: When do you want to resume  
 10 it?  
 11 MR. STUBBS: Whenever you are ready.  
 12 We can get together and get a date. You didn't send  
 13 a notice to me.  
 14 MR. JONES: I don't have to.  
 15 MR. STUBBS: You didn't certify anything;  
 16 I am her lawyer. You know I am a lawyer.  
 17 MR. JONES: She is a witness in a  
 18 Judicial Performance Commission matter, Terrell.  
 19 MR. STUBBS: I got depositions  
 20 scheduled; I can't do it. I have to be over there  
 21 for two depositions that have been scheduled for a  
 22 month.  
 23 MR. JONES: You are going now?  
 24 MR. STUBBS: Yeah, they are starting at  
 25 2:30.

1 MS. BALLARD: We can be through by then.  
 2 MR. JONES: I am almost through now. Is  
 3 that okay?  
 4 MR. STUBBS: Let's go ahead and finish  
 5 it; that will be good.  
 6 MR. JONES: It's not anything shocking.  
 7 MR. STUBBS: Well, Marilyn is not a  
 8 sophisticated woman, she is not -- she didn't go  
 9 to college. She doesn't understand a lot of  
 10 things; she gets a little nervous.  
 11 MR. JONES: Well, I haven't been mean to  
 12 you, have I, Marilyn?  
 13 MS. NEWSOME: I will say you just  
 14 confuse me; I was answering the best way that I  
 15 could.  
 16 MR. JONES: (Continuing)  
 17 Q. Let's look at the document, because I  
 18 don't have a lot more. Do you remember where I  
 19 have got No. 1 underlined there? You said in this  
 20 Complaint that Judge Walker and Judge Shoemake  
 21 just recently hired Kelly McNulty as their law  
 22 clerk to try to protect her; do you see that?  
 23 A. Yes, sir.  
 24 Q. Is that your words? Did you say that  
 25 she had been hired as a law clerk?

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1 MR. STUBBS: The document speaks for  
 2 itself, and that's all we are going to say.  
 3 MR. JONES: You are not going to answer  
 4 the question?  
 5 MR. STUBBS: No, she is not going to  
 6 answer the question. The document speaks for  
 7 itself. It's attorney/client privilege, and we  
 8 object.  
 9 MR. JONES: That is not attorney/client  
 10 privilege.  
 11 MR. STUBBS: That is what we say it is.  
 12 We have a right to object; attorney/client  
 13 privilege.  
 14 Q. What evidence do you have, Marilyn --  
 15 your lawyer is here with you now. What evidence  
 16 do you have that Judge Shoemake worked with Judge  
 17 Walker to hire Keely McNulty as a law clerk to  
 18 protect her?  
 19 MR. STUBBS: We object on the basis of  
 20 attorney/client privilege and work product.  
 21 Q. Then let's ask the next question. Next  
 22 paragraph and noting your lawyer's objection, you  
 23 see in that paragraph, says, After Mr. Stubbs got  
 24 involved, Judge Walker and Judge Shoemake began to  
 25 work together to try to go back and file orders

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1 nunc pro tunc; do you see that?  
 2 A. Yes, sir.  
 3 Q. What evidence do you have that Judge  
 4 Walker and Judge Shoemake worked together to file  
 5 orders nunc pro tunc after Mr. Stubbs got  
 6 involved?  
 7 MR. STUBBS: That is again  
 8 attorney/client privilege; she told that to me;  
 9 that is attorney/client privilege. The documents  
 10 speak for themselves. It is work product also.  
 11 MR. JONES: You are telling her not to  
 12 answer.  
 13 MR. STUBBS: It's work product, and it  
 14 is attorney/client privilege.  
 15 MR. JONES: Are you telling her not to  
 16 answer?  
 17 MR. STUBBS: I am not going to say that.  
 18 We have the right in a deposition to object on  
 19 privilege, and we waive it if we don't, and we are  
 20 objecting on privilege.  
 21 MR. JONES: Are you telling her not to  
 22 answer?  
 23 MR. STUBBS: I am objecting on privilege  
 24 and, therefore, she won't answer it because it's  
 25 attorney/client privilege. The documents speak

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1 for themselves.  
 2 MR. JONES: Then I am probably through.  
 3 I was going to ask you -- I saw Renee Porter, and  
 4 she said that she saw you Monday.  
 5 MR. STUBBS: She didn't see me Monday.  
 6 MR. JONES: She didn't see you Monday,  
 7 Tuesday or any day this week?  
 8 MR. STUBBS: No.  
 9 MR. JONES: That is all I have.  
 10 MR. STUBBS: She didn't see me.  
 11 MR. JONES: She said you told her, You  
 12 got Judge Walker, and you are going to get Judge  
 13 Shoemake.  
 14 MR. STUBBS: I didn't say no such thing.  
 15 MR. JONES: Is she making it up?  
 16 MR. STUBBS: I didn't say that to her.  
 17 MR. JONES: I am done. Thank you.  
 18 MR. STUBBS: I don't know where she got  
 19 that from. She is the one that asked me about  
 20 getting -- when was somebody going to do  
 21 something. Ask her that.  
 22 MR. JONES: Okay, I will.  
 23 (Conclusion).  
 24  
 25 \*\*\*\*\*

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1 CERTIFICATE  
 2  
 3 I, PATSY D. AINSWORTH YOUNG, Official  
 4 Court Reporter in and for the State of  
 5 Mississippi, do hereby certify that the foregoing  
 6 transcript of the deposition held on January 15,  
 7 2014, is true and accurate to the best of my  
 8 knowledge, skill and ability.  
 9 I further certify that my certificate  
 10 annexed hereto applies only to the original and  
 11 certified transcripts. The undersigned assumes  
 12 no responsibility for the accuracy of any  
 13 reproduced copies not made under my control or  
 14 direction.  
 15 This the 1st day of February 2014.  
 16  
 17  
 18  
 19 PATSY AINSWORTH YOUNG  
 20  
 21  
 22  
 23  
 24  
 25

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## **RECORD EXCERPT 35**



**RULES OF THE MISSISSIPPI  
COMMISSION ON JUDICIAL PERFORMANCE**

1. [General.](#)
2. [Jurisdiction.](#)
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**RULES OF THE MISSISSIPPI  
COMMISSION ON JUDICIAL PERFORMANCE  
Adopted July 9, 1980**

**RULE 1. GENERAL**

**A. Definitions.** In these rules, unless the context or subject matter otherwise requires:

- (1) "Commission" means the Mississippi Commission on Judicial Performance.
- (2) "Supreme Court" means the Mississippi Supreme Court.
- (3) "Judge" means a Justice of the Supreme Court or a judge of the Court of Appeals,

Circuit Court, Chancery Court, County Court, Family Court, Justice Court, Municipal Court, and all other courts in existence in Mississippi, including someone serving as a part-time judge, special judge or a judge in senior status. Reference to "the judge" shall mean any judge whose conduct or mental or physical condition is under consideration.

(4) "Chairman" means the chairman of the Commission or the vice-chairman when serving as chairman.

(5) "Member" means a member of the Commission or an alternate member serving in the place of a member of the Commission.

(6) "Shall" is mandatory and "may" is permissive.

(7) The masculine gender includes the feminine gender.

**B. Purpose.** The Commission was created in 1979 by the Mississippi Legislature and the voters of the State of Mississippi by constitutional amendment. The Commission shall enforce the standards of judicial conduct, inquire into judicial disability and conduct, protect the public from judicial misconduct and disabled judges, and protect the judiciary from unfounded allegations. All proceedings before the Commission shall be of a civil nature, not criminal, as the purpose of the Commission is to be rehabilitative and educational as well as disciplinary.

**C. Construction of Rules.** These rules shall be liberally interpreted so as to carry out the mandate of the electorate by its approval of Section 177A of the Mississippi Constitution of 1890.

[Amended effective June 29, 1995; amended effective March 27, 1997.]

## **RULE 2. JURISDICTION**

The Commission shall consider conduct of a judge or the physical or mental condition of a judge. In the absence of fraud, corrupt motive, or bad faith, the Commission shall not consider allegations against a judge for making findings of fact, reaching a legal conclusion, or applying the law as he understands it. The Commission may consider allegations against a judge regarding any conduct prior to January 1, 1980, where such prior conduct relates to the judge's ability to serve, brings discredit to the judiciary, or adversely affects the administration of justice. Notwithstanding that a judge has resigned his office, the Commission shall retain jurisdiction over that judge if prior to his resignation the Commission has initiated an inquiry into the conduct of the judge.

### **RULE 3. ORGANIZATION**

**A. Membership and Terms.** The membership of the Commission shall be as prescribed in Section 177A of the Mississippi Constitution of 1890 for such terms as prescribed by general law.

**B. Vacancies.** When a judge ceases to be a judge of the court from which he was appointed or whenever any member becomes otherwise ineligible to hold office, his membership shall terminate. The Chairman shall promptly notify the appointing authority of the vacancy. The appropriate alternate member shall serve as a temporary replacement until such time as the appointing authority shall duly certify to the Commission a replacement member for the remainder of the unexpired term. An alternate member appointed to fill an unexpired term shall be eligible for an appointment for a full term. If a member who is a judge becomes a respondent to a formal complaint under Rule 6 before the Commission, that member shall be disqualified from attending meetings and shall not perform any Commission duties until the formal complaint is finally disposed of. The appointing authority shall be notified and shall appoint another alternate member to serve during the term of disability or disqualification. A formal complaint against a member shall be given highest priority on the Commission's docket and shall be brought to a conclusion expeditiously unless waived by the member.

**C. Alternate Members.** An alternate member shall serve in the place of a member of the same category whenever such member is absent, disqualified, unwilling or unable to serve.

**D. Disqualification.** A member shall be disqualified to serve in any inquiry or complaint when (1) he is related to the judge or complainant by affinity or consanguinity, (2) the judge is a resident of his county, or (3) the member has personal knowledge or information which could interfere with the member impartially considering such matter.

A member may voluntarily disqualify himself when (1) the member resides in the judge's judicial district; or (2) upon a showing of good cause, the Commission approves the member's request for voluntary disqualification.

**E. Officers.** A Chairman and Vice-Chairman shall be elected each year at the January meeting to serve from January 1 through December 31 of such year. The Vice-Chairman shall perform the duties of the Chairman whenever he is absent or unable to act.

**F. Executive Director.** The Commission shall appoint a member of the Mississippi

State Bar as executive director to serve at its pleasure. He shall neither engage in the private practice of law nor serve in any judicial capacity.

The Commission shall prescribe the duties and responsibilities of the executive director, which may include the authority to:

- (1) Receive information from any proper source, including allegations and complaints;
- (2) Make preliminary evaluations;
- (3) Screen complaints and make recommendations to the Commission;
- (4) Conduct and/or supervise investigations as directed by the Commission;
- (5) Maintain and preserve in confidentiality the Commission's records, including all complaints, files and written dispositions;
- (6) Maintain statistics concerning the operations of the Commission and make them available to the Commission and to the Supreme Court;
- (7) Prepare the Commission's budget for its approval and administer its funds;
- (8) Recommend employment and supervise other members of the Commission's staff;
- (9) Prepare an annual report of the Commission's activities;
- (10) Employ, upon the direction of the Commission, special counsel, private investigators or other experts as necessary to investigate and process matters before the Commission and before the Supreme Court; and
- (11) Represent the Commission as counsel in formal proceedings and in other proceedings, upon the direction of the Commission.
- (12) Represent the Commission at conferences, seminars, and other educational functions.

**G. Meetings.** The Commission shall meet at least monthly at announced dates and places, except when there is no business to be conducted. Meetings shall be called by the Chairman or upon the written request of two (2) members.

**H. Quorum; Voting Requirements.** Four members (or their alternates) shall constitute a quorum for the transaction of all Commission business. Commission business may be decided by a majority vote of the members present. A two-thirds (2/3) vote of the Commission shall be required for any action pertaining to its disciplinary authority.

**I. Rules and Forms.** These rules shall control complaints to, investigations by, and proceedings by the Commission. The Commission may, for good cause, suspend any or all of its rules upon a two-thirds (2/3) vote of the Commission. The Commission shall prescribe such forms as it deems appropriate.

**J. Commission Office.** The Commission shall establish a permanent office, in a building approved by the Capitol Commission, which shall be open to the public at regular announced hours.

**K. Finances.** The expenses of the Commission shall be authorized to be paid in accordance with the approved Commission budget and in compliance with applicable procedures established by the Auditor of Public Accounts. In the event of an unanticipated funding shortage, the Commission shall not curtail the discharge of its constitutionally mandated operations, but shall authorize the executive director to seek a deficit appropriation to fund the Commission's operations.

[Amended effective June 29, 1995; amended January 9, 1998.]

#### **RULE 4. CONFIDENTIALITY**

**A. All Proceedings.** All proceedings before the Commission shall be confidential, except upon unanimous vote of the Commission, as prescribed in Section 177A of the Mississippi Constitution of 1890. Confidentiality shall attach upon the initiation of an inquiry and shall include all records, files and reports of the Commission. All proceedings before the Supreme Court and any final decisions made by the Supreme Court shall be made public as in other cases at law. However, an appeal from a private admonishment by the Commission shall be confidential unless on appeal the Supreme Court imposes sanctions harsher than the private admonishment.

**B. Disclosure.** By unanimous vote, the Commission may waive confidentiality and disclose such information deemed appropriate by the Commission. Such action may be taken upon the Commission's own motion or upon written request of the judge.

**C. Violation by Staff.** Employment of the executive director or any member of the staff may be terminated for violation of confidentiality.

[Amended March 7, 2002.]

### **Comment**

\_\_\_\_ Proceedings before the Commission and the Court in matters of judicial discipline are governed by Section 177A of the Mississippi Constitution. Generally, unless the Commission unanimously votes to make its proceedings public, they remain confidential. However, except in the case of an appeal by a judge of a private admonishment issued by the Commission against that judge, and in cases where the Court expressly seals the record following a private reprimand issued by the Court after the Commission has filed recommendations for more severe sanctions, proceedings before the Court and decisions of the Court are public.

[Adopted March 7, 2002.]

## **RULE 5. PROCEDURES OF COMMISSION**

**A. Initiation of Inquiry.** Upon receipt of proper information regarding a judge's conduct or physical or mental condition, the Commission shall initiate a confidential inquiry to determine whether the matter is within the Commission's jurisdiction. On its own motion, the Commission may make inquiry concerning a judge's conduct or physical or mental condition, and may file a formal complaint based upon the results of such inquiry on its own motion.

**B. Preliminary Inquiry.** Upon receipt of such information, the executive director shall make a prompt, discreet, and confidential preliminary inquiry and evaluation under guidelines approved by the Commission. The executive director shall then make a report to the Commission.

After such report, the Commission shall dismiss complaints which are not within the Commission's jurisdiction, relate only to claimed errors of law or fact, or are unfounded. The complainant shall be informed in writing of the Commission's action.

**C. Notice to Judge.** The Commission shall not notify a judge of any initial complaint dismissed after preliminary inquiry, unless otherwise determined by the Commission.

When the initial complaint is not dismissed, within ninety (90) days of its receipt the judge shall be notified of the investigation and nature of the charge. Failure to make timely notification shall not be grounds for dismissal of any investigation or proceeding. Such notice shall be in writing and may be transmitted by a member of the Commission, the

executive director, any adult person designated by the Commission, or by certified or registered mail addressed to the judge at his last known residence of record.

When a judge has been notified of an investigation and the Commission has dismissed the matter, the judge shall be so notified and the file shall be closed.

**D. Sworn Complaint or Statement in Lieu of Complaint.** If the initial complaint is not dismissed, the complainant shall be asked to file a detailed, signed, sworn complaint against the judge. The sworn complaint shall state the names and addresses of the complainant and the judge, the facts constituting the alleged misconduct, and, so far as is known, whether the same or a similar complaint by the complainant against the judge has ever been made to the Commission. A sworn complaint may be waived by a two-thirds (2/3) vote of the Commission; a sworn complaint shall not be required in an inquiry initiated by the Commission on its own motion.

**E. Informal Conference.** The Commission may request the judge to attend an informal conference concerning the matters relating to his judicial performance.

**F. Right to Counsel.** At all stages of the Commission's proceedings, the judge shall be entitled to counsel.

**G. Subpoena.** The subpoena power granted the Commission by law shall apply at any stage of the investigation or any proceedings. The judge shall be entitled to subpoenae for any formal hearing. All subpoenae shall be on the form prescribed by the Commission, and the Commission shall have the power to enforce process.

**H. Earwiggling Prohibited.** No person shall discuss or attempt to discuss with or in the presence or hearing of a member anything concerning an inquiry or proceeding then pending with or likely to be considered by the Commission, except in accordance with these rules. Any person knowingly violating this or any other rule of the Commission may be guilty of contempt.

[Amended effective June 29, 1995.]

## **RULE 6. PROBABLE CAUSE**

**A. Grounds for Discipline and Retirement.** The grounds for discipline and retirement, as prescribed by the Constitution, are:

- (1) Actual conviction of a felony in a court other than a court of the State of

Mississippi<sup>1</sup>;

- (2) Willful misconduct in office;
- (3) Willful and persistent failure to perform his duties;
- (4) Habitual intemperance in the use of alcohol or other drugs;
- (5) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute;
- (6) Physical or mental disability seriously interfering with the performance of his duties, which disability is or is likely to become of a permanent character;
- (7) Any willful violation of law constituting a serious misdemeanor or felony;
- (8) Any violation of the code of judicial conduct; and
- (9) Any violation of the rules of professional conduct as adopted by the Supreme Court.

**B. Disposition.** The Commission shall dispose of the case in one (1) of the following ways:

- (1) If it finds that there has been no misconduct, the case shall be dismissed.
- (2) If it finds that there has been misconduct for which a private admonishment constitutes adequate discipline, it shall issue the admonishment. The complainant shall be notified that the matter has been resolved. The Commission shall notify the Chief Justice of the Supreme Court of its action.
- (3) The Commission may enter into a memorandum of understanding with the judge concerning his future conduct or submission to professional treatment or counseling.
- (4) If it is determined that probable cause exists to require a formal hearing, it shall

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<sup>1</sup>Under Section 175, Mississippi Constitution of 1890, and Section 25-5-1, Mississippi Code of 1972, public officers convicted of a crime in this state shall be removed from office. Section 25-5-1 was amended in 1979 to provide for removal upon conviction of certain crimes in federal courts and the courts of other states as well as in state courts.



so notify the judge by service of a notice and a formal complaint.

**C. Formal Complaint.** The formal complaint shall be entitled "BEFORE THE MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE, INQUIRY CONCERNING A JUDGE, NO. \_\_\_\_." The formal complaint shall identify any complainant and shall specify in ordinary and concise language the charges against the judge. The notice shall advise the judge of his right to file a written, sworn answer to the charges against him within thirty (30) days after service of the notice upon him. The notice and formal complaint shall be served upon the judge by personal service by a member of the Commission, the executive director, or by any adult person designated by the Commission, or by certified or registered mail addressed to the judge at his last known residence of record.

**D. Answer.** Within thirty (30) days after service of the notice and the formal complaint, the judge may file with the Commission a sworn answer or motions. The formal complaint and answer shall constitute the pleadings. Thereafter, no further motions or pleadings may be filed unless the Commission shall first grant leave.

[Amended effective June 29, 1995; amended April 4, 2002.]

## **RULE 7. INTERIM SUSPENSION OF JUDGE**

Upon the filing of a formal complaint, the Commission may, in its discretion, issue its order directed to the judge to show good cause before the Commission why the Commission should not recommend to the Supreme Court that he be suspended from office while the inquiry is pending. The order to show cause shall be returnable before the Commission at a designated place and at a time certain, at which place and time the Commission shall consider the question of suspension. Either after issuing its order to show cause or without such order to show cause, the Commission may recommend to the Supreme Court that the judge be suspended from performing the duties of his office, pending final determination of the inquiry. If the Commission recommends suspension, such recommendation and a transcript of all proceeding of the Commission shall be immediately forwarded to the Clerk of the Supreme Court. An interim suspension shall not preclude further action by the Commission.

## **RULE 8. FORMAL HEARING**

**A. Scheduling of Hearing.** The Commission shall schedule a formal hearing concerning the charges. The hearing shall be held no sooner than five (5) days after filing of an answer or after the deadline for filing of the answer if no answer is filed. Notice of the hearing shall be sent to the judge at his last known residence of record or to his attorney.

At the date set for the formal hearing, the hearing shall proceed whether or not the judge has filed an answer, and whether or not he appears in person or through counsel. The failure of the judge to answer or appear may be taken as evidence of the facts alleged in the formal complaint.

**B. Discovery and Procedure.** In all formal proceedings the Mississippi Rules of Civil Procedure shall be applicable except as otherwise provided in these rules. The sole parties to formal proceedings shall be the Commission and the judge.

**C. Fact finder.** The formal hearing shall be conducted before the entire Commission or before a committee of the Commission, a master or a Fact finder designated by the Commission.

**D. Conduct of Hearing.** Facts requiring action of the Commission shall be established by clear and convincing evidence.

The Mississippi Rules of Evidence shall apply to any formal hearing. All witnesses shall take an oath or affirmation to tell the truth. All Commission members, staff, witnesses, counsel, or any other person privy to any hearing before the Commission shall take an oath of secrecy concerning all proceedings before the Commission, violation of which shall be punishable as contempt.

The Commission shall employ a member of the Mississippi State Bar to prepare and present the formal complaint to the Commission and otherwise act as counsel and to represent the Commission before the Supreme Court or direct the Executive Director to so represent the Commission as counsel.

The Commission shall designate one (1) of its judicial or attorney members to preside over each formal hearing. He shall dispose of all preliminary matters and shall rule on procedural and evidentiary matters during the course of the hearing.

The judge shall have the right to present evidence and to produce and cross-examine witnesses.

The judge shall be limited to two (2) character witnesses who may testify at the formal hearing; he may submit the affidavits of any other character witnesses he deems appropriate.

The hearing shall be recorded by a reporter employed by the Commission.

**E. Determination.** If the full Commission has held the formal hearing, it shall

promptly prepare its findings of fact and any recommendations.

When a committee, master, or Fact finder has held the formal hearing, its findings of fact and recommendations shall be filed with the Commission within thirty (30) days after the hearing's conclusion; provided, however, the Commission may grant additional time for the preparation of such findings and recommendations. The executive director shall promptly deliver to the judge or his legal representative and to the Commission counsel a copy of the transcript of the proceedings and a copy of the findings and recommendations. Within ten (10) days from receipt of such copies, the judge and Commission counsel may submit written objections to the findings and recommendations. The Commission shall review the findings and recommendations, the written objections, and the transcript; and it may accept, modify, or reject, in whole or in part, the findings and recommendations and may make additional findings of fact and recommendations.

**F. Commission Recommendation.** The Commission recommendations to the Supreme Court for discipline may include removal from office, suspension, fine, public censure or reprimand, or retirement. In addition, the Commission may privately admonish a judge as provided by law.

The Commission findings and recommendation and the numerical vote shall be recorded; all other Commission action shall remain confidential.

**G. Dissent.** If any member dissents from a recommendation as to discipline or retirement, the dissenting recommendation shall also be transmitted to the Supreme Court. Only the dissent, with the number of dissenters shall be transmitted; the names of the individual dissenters shall remain confidential.

**H. No Discipline Recommended.** If two-thirds (2/3) of the members of the Commission fail to recommend discipline or retirement, the case shall be dismissed.

**I. Witness Fees.** All witnesses shall receive fees and expenses in the statutorily allowable amount. Expenses of witnesses shall be borne by the party calling them. When the physical or mental disability of the judge is in issue, the Commission may reimburse the judge for the reasonable fees of any physician rendering a report or testifying at a Commission hearing. If the judge is exonerated of the charges against him and the Commission determines that the imposition of costs and expert witness fees would work a financial hardship or injustice upon him, the Commission may order that part or all of those costs and fees be reimbursed.

[Amended effective June 29, 1995.]

## **Comment**

Disciplinary recommendations to the Supreme Court by the Commission may range from removal from office down to public censure or reprimand. Although the Commission generally does not impose disciplinary sanctions, but rather makes findings and recommendations for submission to the Supreme Court, it may, under Rule 6, dismiss cases or impose the lesser sanction of a private admonishment, without action by the Supreme Court. In the case of private admonishment, the Commission will notify the Chief Justice of the Supreme Court of its action.

[Comment adopted March 7, 2002.]

## **RULE 9. MENTAL OR PHYSICAL DISABILITY**

When the mental or physical health of a judge is in issue, the Commission may request the judge either (1) to submit to examinations by licensed physicians chosen and paid by the Commission, or (2) to submit to the Commission all reports of recent examinations by licensed physicians relating to the alleged condition. If the judge fails to submit to the examinations or to submit all recent medical reports, such failure shall raise an adverse inference to the judge on such issue, unless the judge's failure was due to circumstances beyond his control. The judge shall be furnished a copy of the report of any examination conducted under this rule.

## **RULE 10. SUPREME COURT REVIEW**

**A. Filing and Service.** The Commission shall promptly file the record, its findings and recommendations, and any dissents with the Clerk of the Supreme Court and shall immediately serve copies thereof upon the judge.

**B. Procedure.** The Mississippi Rules of Appellate Procedure shall be applicable for all Commission proceedings before the Supreme Court, except as otherwise provided in these rules.

**C. Preference Cases.** The Supreme Court shall treat all Commission matters as preference cases, to be determined with reasonable expedition.

**D. Briefs.** When the Commission has recommended the interim suspension of a

judge, the Commission, as petitioner, and the judge, as respondent, shall file simultaneous briefs with the Supreme Court within seven (7) days after the filing of the Commission's recommendations with the Clerk of the Supreme Court. No reply briefs shall be filed.

In other cases the Commission, as petitioner, and the judge, as respondent, shall file simultaneous briefs with the Supreme Court within thirty (30) days after the filing of the Commission's recommendations with the Clerk of the Supreme Court. No reply briefs shall be filed.

**E. Decision.** Based upon a review of the entire record, the Supreme Court shall prepare and publish a written opinion and judgment directing such disciplinary action, if any, as it finds just and proper. The Supreme Court may accept, reject, or modify, in whole or in part, the findings and recommendation of the Commission. In the event that more than one (1) recommendation for discipline of the judge is filed, the Supreme Court may render a single decision or impose a single sanction with respect to all recommendations.

**F. Private Admonishments.** If a judge desires to appeal a private admonishment, he shall file a notice of appeal with the Commission within thirty (30) days from the issuance of such admonishment. The Commission shall promptly file with the Clerk of the Supreme Court the record and its admonishment. The judge shall be the appellant and the Commission the appellee.

An appeal from a private admonishment issued by the Commission shall follow the same procedures as other Commission matters except that such appeal shall remain confidential, as provided by law.

[Amended effective March 27, 1997.]

## **RULE 11. CHARGES AGAINST JUSTICE OF THE SUPREME COURT**

Charges against a Justice of the Supreme Court shall proceed in the same manner as charges against any other judge except that, upon the filing of the report and recommendation of the Commission, a special tribunal shall be empaneled as provided by Section 177A of the Mississippi Constitution of 1890. Upon recommendation by the Commission for discipline or retirement of a Justice of the Supreme Court, the executive director shall notify the Secretary of State to select the tribunal in accordance with the procedures established in the Constitution. In the event a judge selected for the tribunal is disqualified or otherwise unable to serve, such judge shall file a notice of recusal with the Clerk of the Supreme Court within

ten (10) days. The Clerk of the Supreme Court shall notify the Secretary of State and another member shall be selected in the manner provided by the constitution. When seven (7) qualified members have been selected the tribunal shall, within ten (10) days, meet and select one of its members as the presiding member of the tribunal. The tribunal shall proceed in accordance with the Mississippi Rules of Appellate Procedure, except as otherwise provided in these rules, and the Rules of the Commission, which shall control all proceedings before the seven (7) member tribunal.

[Amended effective March 27, 1997; amended effective May 27, 2004 to shorten period for filing notices of recusal and convening the tribunal.]

## **RECORD EXCERPT 36**

**MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE  
660 NORTH STREET  
SUITE 104  
JACKSON, MISSISSIPPI**

**June 14, 2013**

**MINUTE EXCERPTS**

The meeting was called to order by Chairman Judge H. David Clark, II. Members present Jeffery M. Adcock, Rick J. Coulter, Camille Evans, Esquire and Judge Jimmy Morton. Alternate members present were, Judge Vicki R. Barnes, Judge William A. Boykin, Roy Campbell, III, Esquire, Cornelia Gayden, Judge Robin A. Midcalf, Ann Mitchell and Judge James L. Roberts, Jr.

**NEW COMPLAINTS:**

**NO. 2013-083:** Judge Midcalf moved the Commission consider this complaint pending further investigation. Judge Clark seconded and the motion passed unanimously.



**MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE  
660 NORTH STREET  
SUITE 104  
JACKSON, MISSISSIPPI**

**October 11, 2013**

**MINUTE EXCERPTS**

The meeting was called to order by Chairman Judge H. David Clark, II. Members present Camille Evans, Esquire and Judge Jimmy Morton. Alternate members present were, Judge Vicki R. Barnes, Judge William A. Boykin, Roy Campbell, III, Esquire, Judge Robin A. Midcalf and Ann Mitchell.

**PENDING COMPLAINTS:**

**NO. 2013-083:** Judge Clark moved that the Commission find probable cause to file a Formal Complaint in this Inquiry. Judge Midcalf seconded and the motion passed unanimously. Judge Clark then moved that a Show Cause Hearing be scheduled for interim suspension. Judge Morton seconded and the motion carried unanimously.

**MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE  
660 NORTH STREET  
SUITE 104  
JACKSON, MISSISSIPPI**

**DECEMBER 13, 2013**

**MINUTE EXCERPTS**

The meeting was called to order by Chairman Judge H. David Clark, II. Members present Judge Lee J. Howard, Judge William E. Andrews, III, Jeff Adcock, Rick J. Coulter, Camille H. Evans, Esquire and Judge Jimmy Morton. Alternate members present were, Judge Vicki R. Barnes, Judge William A. Boykin, Roy Campbell, III, Esquire, Judge Robin A. Midcalf, Ann Mitchell, Cornelia Gayden and Judge James Roberts.

**FORMAL COMPLAINTS:**

**NO. 2013-083:** Judge Morton moved that the Commission accept the recommendation of the panel and not recommend an interim suspension while the Formal Complaint is pending. Mr. Campbell seconded and the motion passed unanimously.

## **RECORD EXCERPT 37**

Mississippi Commission on Judicial Performance  
Policies and Procedures Manual  
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Sample Letter to Complainant when Informal Action is Taken	Section 1.4.3
Sample Letter to Judge for Dismissal	Section 1.4.4
Sample Letter to Complainant for Private Admonishment Action	Section 1.4.5
Commission Proceedings	Section I.5
Supreme Court Review Process	Section I.6
Charges Against Supreme Court Justice	Section I.7

**II. Investigative Procedures**

Overview	Section II.1
Complaint Form	Section II.1.1
Investigative Process	Section II.2
Sample Interview Form	Section II.2.1
Activity Log	Section II.2.2
Case File	Section II.3
Docket Sheet	Section II.3.1
Investigative Report	Section II.4
Sample Investigative Report	Section II.4.1
Investigative Costs	Section II.5

**Compliant Procedures**

- ★ 5. Following the Commission's meeting, a list of the investigative actions ordered by the Commission is compiled. This practice ensures the 90 day requirement for notification of judges is adhered to. In addition, if the initial complaint is not dismissed, the complainant shall be asked to file a Sworn Complaint against the judge(s) or provide a Statement in Lieu of Complaint. The Sworn Complaint shall state the names and addresses of the Complainant and the judge, the facts constituting the alleged misconduct, and, to the degree known, whether the same or a similar complaint by the Complainant has ever been made to the Commission.
6. If the Commission does not receive the Sworn Complaint or Statement in Lieu of Complaint, the Commission may waive the Sworn Complaint by a two-thirds (2/3) vote.

If an inquiry was initiated by the Commission on its own motion, a Sworn Complaint is not required.

**Investigation and Discovery**

7. During the compliant proceedings, the investigative and discovery process is conducted by the Investigator in accordance with the procedures detailed in Section II of this manual.
8. Upon completion of the investigation, the Investigator prepares a report and presents it to the Commission for action.

**Commission Action**

The Commission can dispose of a compliant in one (1) of the following ways:

9. If the Commission finds that there has been no misconduct, the case is dismissed.

A sample of the letter sent to the judge when a case is dismissed is provided as Section 1.4.2. A sample letter sent to the Complainant when a case handled through informal action is provided as Section 1.4.3.

10. If misconduct has occurred and the Commission believes a private admonishment is adequate discipline, then the Commission issues the admonishment and notifies the complainant that the matter has been resolved. The Commission further notifies the Chief Justice of the Supreme Court of its action.

A sample of the letter sent to the Judge when a case is dismissed is provided as Section 1.4.4. A sample letter sent to a Complainant when a private admonishment is issued is provided as Section 1.4.5.

11. The Commission may enter into a memorandum of understanding with the judge concerning his future conduct or submission to professional treatment or counseling.
12. If probable cause exists to require a formal hearing, the Commission notifies the judge by service of notice and a formal complaint.

**RECORD EXCERPT 38**

David Shoemake

---

From: "David" <shoe6651@bellsouth.net>  
To: "donna sturkey" <shoedws@bellsouth.net>  
Sent: Thursday, July 21, 2011 4:10 PM  
Attach: Newsome Petition6.doc; newsomeorder6.doc  
Subject: Fw: transferred Newsome matter

----- Original Message -----

From: Keely R. McNulty  
To: shoe6651@bellsouth.net  
Sent: Thursday, July 21, 2011 3:28 PM  
Subject: transferred Newsome matter

Honorable Judge Shoemake:

Per Judge Walker's request, please find attached the Petition for Approval of Contractor and the proposed Order. I have also faxed to your office both of the attached items as well as all of the Exhibits for your review. Please call me if you have any questions.

Thank you.

Keely R. McNulty,  
Attorney at Law, PLLC  
119 1st Street S.E.  
Post Office Box 376  
Magee, Mississippi 39111  
Facsimile: (601) 849-4712  
Telephone: (601) 849-4122  
[keelymcnulty@yahoo.com](mailto:keelymcnulty@yahoo.com)

Teresa Myers,  
Legal Assistant  
[tess7189@yahoo.com](mailto:tess7189@yahoo.com)

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*Please consider the environment before printing this e-mail.*



RE 38



IN THE CHANCERY COURT OF SIMPSON COUNTY, MISSISSIPPI

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME  
2010-0146 PT

CAUSE NO:

PETITION FOR APPROVAL OF CONTRACTOR

COMES NOW Marilyn Denise Newsome, Conservator of Victoria Newsome, and moves the Court for approval of a Contractor and funds to be placed in the Conservatorship Account for the construction of a house, and would show unto the Court the following:

1. That per the Order entered by this Court, dated June 8, 2011, a minimum of four (4) bids were to be obtained to build the permanent home for Victoria Newsome. Five (5) bids were obtained and their bids are attached hereto as Exhibits "A"-"E".
2. That C.T. Construction submitted the lowest bid in the amount of \$273,075.14 as shown on Exhibit "A" attached hereto. Furthermore, this company has a good reputation, satisfied customers, and high-quality workmanlike skills which would be in the best interest of Petitioner.
3. That the sum of \$273,075.14 be placed in the Conservatorship Account (Account Number: 3381050, located at Peoples Bank in Magee, Mississippi, in the name of Victoria Denise Newsome by Marilyn Denise Newsome) for the construction of the permanent residence of Victoria Newsome, and the Conservatorship to be

authorized to pay the monthly invoices submitted by C.T.  
Construction for work completed.

WHEREFORE, PREMISES CONSIDERED, Petitioner requests the Court to  
approve C.T. Construction as the contractor to build Victoria  
Newsome's permanent residence, for permission to transfer the  
requested funds to the Conservator ship Account, and for authority to  
utilize said funds for the payment of the abovementioned expenses.

Respectfully submitted,

\_\_\_\_\_  
Keely R. McNulty, Esq.  
Attorney for Petitioner

Prepared and Presented by:

\_\_\_\_\_  
Keely R. McNulty,  
Attorney at Law, PLLC  
119 1<sup>st</sup> Street S.E.  
Post Office Box 376  
Nagee, Mississippi 39111  
Tel: (601) 849-4122  
Fax: (601) 849-4712  
MSBE: 103314

**RECORD EXCERPT 39**

OFFICE OF THE THIRTEENTH CHANCERY COURT DISTRICT  
STATE OF MISSISSIPPI

DAVID SHOEMAKE  
Chancery Judge, Post 1  
405 Main Street  
P. O. Box 1678  
Collins, MS 39428  
(601)765-8284 (Phone)  
(601)765-8282 (Fax)

JOE DALE WALKER  
Chancery Judge, Post 2  
Courthouse Square  
P. O. Box 909  
Monticello, MS 39654  
(601)587-2997 (Phone)  
(601)587-2999 (Fax)

Donna Stuckey, Deputy Court Administrator

Kim w. Brister, Court Administrator

Keilah Berry, CSR\*Susanne Eaton, CSR\*Gina Miller, CSR

FAX COVER SHEET

DATE: July 22, 2011

TO: Keely McNulty, Attorney

TELECOPIER NUMBER: 601-849-4712

FROM: Donna Stuckey, Court Administrator to David Shoemake, Chancery Judge, Post 1

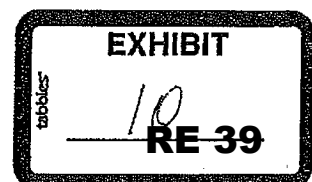
THIS FAX CONTAINS A TOTAL OF     PAGES, INCLUDING THIS PAGE.

NOTES Dear Mrs. McNulty enclosed please find a copy of the Order Transferring Cause for Limited Purpose and a copy of my proposed Order. I hope I am not sticking my nose in your business but I am taking the liberty of enclosing to you a copy of an Order entered in another cause concerning a contract to build a home and a copy of the contract that was entered between the builder and conservator. There has to be something in place to have somebody inspect the home after each phase of construction before the contractor is paid for that particular phase of construction. The contract and the order that I am sending you is actually one used by Stan Sorey in Raleigh but I have used these pleadings as a go by when I handled cases like this as a lawyer. Sincerely, David Shoemake, Chancellor.

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IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL Donna  
(601)765-8284.





**CERTIFICATE OF SERVICE**

I, William H. Jones, do hereby certify that I have this day filed electronically with the Mississippi Supreme Court of Appeals using the MEC system which sent notification unto Darlene Ballard, Esq., and Bonnie Menapace, Esq., and which I have mailed by United States Mail, postage fully prepaid, a true and correct copy of the above and foregoing Record Excerpts of Appellee/Respondent unto Darlene Ballard, Esq., and Bonnie Menapace, Esq., Mississippi Commission on Judicial Performance, 660 North Street, Ste. 104, Jackson, Mississippi 39202.

This the 30<sup>th</sup> day of July, 2015.

/s/William H. Jones  
WILLIAM H. JONES

William H. Jones (MS Bar# 3284)  
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Petal, Mississippi 39465  
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*Counsel for Appellee/Respondent*